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Introduction

In 1995 Former Governor Thomas R. Carper of the State of Delaware, through Executive Order No. 29, established the Violence Against Women [VAWA] Implementation Committee. The purpose for creating this Committee is “to ensure the appropriate use of federal funds received under the Violence Against Women Act.”

In February 2001, Governor Ruth Ann Minner, issued Executive Order No. 11, to maintain the VAWA Implementation Committee. She further states, that this Committee shall be comprised of five individuals, who shall be appointed by the Governor and serve at the pleasure of the Governor. Based on this Executive Order, Governor Minner has appointed the following persons to the VAWA Committee: Honorable Vincent J. Poppiti (Chief Judge of Family Court), Honorable Patricia Blevins (State Senator), Honorable Richard Gebelein (Superior Court Judge), Jennifer Barber-Ranji (Practicing Attorney), and Diane Glenn (Chair, Victims Right Task Force).

Governor Minner has charged this Committee with the following responsibilities:

- Identifying needs and gaps in services for female victims of crime based on public input and input solicited from the Domestic Violence Coordinating Council and the Victim Advisory Committee of the Criminal Justice Council
- Soliciting input from interested individuals, state and federal agencies, and private organizations, including non-profit, non-governmental victim services programs, about needs and gaps in Delaware services for female victims of violent crime.

- Preparing a comprehensive Plan to obtain and use federal funds available under the Violence Against Women Act and for compliance with the legislation and related regulations.
- Holding training sessions for individuals and groups interested in submitting funding applications, designed to assist potential applicants with the funding selection process.
- Soliciting and reviewing concept papers submitted by grant applicants.
- Consistent with the Plan, making recommendations on Violence Against Women Act grant recipients to the Criminal Justice Council and the Domestic Violence Coordinating Council. If either the Criminal Justice Council or the Domestic Violence Coordinating Council approves the recommendations by a majority vote, the recommendations shall be forwarded the Governor for her consideration. If neither the Criminal Justice Council nor the Domestic Violence Coordinating Council approves the Committee's recommendations, they shall be returned to the Committee for modification.

In accordance with the Executive Order, the VAWA Implementation Committee holds an annual Strategic Planning Session. On April 26, 2002, the VAWA Implementation Committee held their annual planning day. The goals of this planning session were as follows:

1.) Identify gaps and needs in the current domestic violence and sexual assault delivery systems, 2.) Examine and enhance coordinated efforts between law enforcement, prosecution, and non-profit agencies to improve the delivery of services and, 3.) Form a foundation for requesting concept proposals under the FY 02 S.T.O.P. Formula Grant

Program. Participants at this planning session included representatives from the Attorney General's Office, Law Enforcement agencies, Courts, Sexual Assault and Domestic Violence Coalitions, victim service agencies, the Criminal Justice Council, and the VAWA Implementation Committee (Appendix A).

Based on the priorities identified and recommendations made by the participants, the VAWA Implementation Committee solicited concept papers to address the following needs (Appendix B): 1) Prosecution: Update the SCUZ System to accumulate data to determine outcomes specifics to sexual assault and domestic violence cases; and 2) Law Enforcement: Fund equipment needs and a victim advocate within Probation and Parole.

Due to the overwhelming competitiveness for S.T.O.P. Formula Grant funding and the emergent need to enhance the services available for female victims of violence, the VAWA Implementation Committee chose to establish a Concept Review Team to represent the sexual assault and domestic violence communities. The composition for the FY 02 Concept Review Team included colleagues from the Attorney General's Office, the Delaware Coalition Against Domestic Violence, Christiana Care Health Services, Domestic Violence Coordinating Council, the Victims Planning Coordinator, and the Deputy Director of the Criminal Justice Council. The duties of this Review Team were to read all of the concept proposals, offer information/ knowledge regarding the applicant, and need of services requested; and supply funding recommendations to the VAWA Implementation Committee.

On **August 29, 2002** the VAWA Implementation Committee finalized their allocation decisions for the utilization of FY 02 S.T.O.P. Formula Block Grant Programs. The Committee's recommendations will be made to the Criminal Justice Council and the

Domestic Violence Coordinating Council and forwarded to Governor Ruth Ann Minner for her consideration.

Since the inception of the Violence Against Women Act, the State of Delaware has been able to implement several essential programs to address the needs of violence against women. Therefore, this Implementation Plan reflects the continued effort to restructure and strengthen a proactive response to violence against women.

Analysis of the Domestic Violence/ Sexual Assault Problem in Delaware

A. Demographics:

Understanding the demographics of the State of Delaware when addressing the needs of domestic violence and sexual assault victims is essential.

Delaware is the 49th state in the nation, according to size, with a total area of 1,982 square miles. New Castle County is 438 square miles. Kent County is 594 square miles. Sussex County is 950 square miles. Delaware is 96 miles long and varies from 9 to 35 miles in width. According to the 2000 Census, Delaware is the second smallest state in the United States and has a population of 783,600. Sixty-four percent of the population resides in New Castle County (526-1,260 people per square mile), the smallest county in Delaware, followed by twenty percent of the population in Sussex County (less than 175 people per square mile), and sixteen percent of the population in Kent County (176 – 336 people per square mile).

Within the past ten years, the diversity of our state has grown significantly. According to the 2000 Census, the Hispanic population has increased approximately 136% (15,820 to 37,277) from 1990 and the Asian/Indian population has increased 108%. Predominately, the Hispanic population has been concentrating in two regions in Delaware; the City of Wilmington in New Castle County and the Town of Georgetown in Sussex County. According to a recent article in the News Journal, 1/3 of the residents living in Georgetown, Delaware in 2000 were not U.S. citizens and spoke a language other than English at home. The Hispanic population in itself is diversified including

Guatemalans, Mexicans, Puerto Ricans, Ecuadorians, and Cubans. Further, much of the population is transient due to the availability of migrant farm work in agricultural Sussex County. In a recent evaluation of the Delaware Domestic Violence Risk Assessment, field visits with victim advocates in Georgetown reported that 85% of all violent crimes in the area are domestic violence related. Of those victims, 80% are Guatemalan women. Advocates further indicated, that 90% of the Mayan migrant women are battered.

Because of the rapid growth in Delaware's diverse populations, there are many gaps in the services accessible for Non-English speaking victims. Therefore, it is essential for our state to continuously identify the underserved population(s) and address their needs while still strengthening and enhancing existing services for victims of domestic violence and sexual assault.

B. Defining the Problem of Domestic Violence in Delaware

In 1998 the Delaware State Police Department Victim's Services' Unit in coordination with the State Bureau of Identification [SBI] and Delaware Justice Information System [DELJIS] received a grant through the Office of Justice Programs, Violence Against Women Office, to develop a system to extract data elements from the Domestic Violence Incident police report. At the conclusion of every month a report is generated. The purpose of creating such a report is to identify any trends and areas of concern in regards to domestic violence. Included in this report are the number of domestic violence incidents (criminal and non-criminal), presence of children at the time of the domestic incident, involvement of drug/alcohol, past police involvement, presence of a Protection from Abuse Order, Probation or Parole status, and Division of Family

Services involvement. As a result of this information the State of Delaware has been able to comprise annual domestic violence statistics from FY 98 through FY 01. The following chart represents domestic violence statistics initiated by law enforcement.

Year	Domestic Violence Incident Reports	Criminal Incidents	Criminal Incidents when Children are Present	Number of Dual Arrests	Criminal Incidents – Victim Injured
1998	26,884	16,030	5,869	296	3,420
1999	28,128	16,480	5,274	224	3,649
2000	26,250	15,839	3,906	125	3,151
2001	27,212	17,599	3,621	91	3,371

- ❖ As evident by the chart above, the number of domestic violence incidents reported has fluctuated from 1998 through 2001. In comparing 1999 statistics with 1998, Delaware experienced a 5% increase in the number of reported domestic violence incidents. When comparing 2000 with 1999, statistics domestic violence incident reports decreased by 7%. In 2001, domestic violence incidents reported increased by 4% over 2000.
- ❖ Since 1998, the number of dual arrests has decreased by 70% .
- ❖ Another significant comparison to recognize is the 38% decrease in the number of child(ren) present during the domestic violence incident.

Other considerable statistics to analyze regarding the complexity of domestic violence in Delaware is to review Family Court’s tabulations of civil protection orders. On January 18, 1994, the State of Delaware created the Protection from Abuse Act [PFA]. In

1994 there were approximately 1,500 petitions filed. Of those filed, 1,015 PFA's were issued. As demonstrated in the subsequent chart, Delaware has been constant in the number of PFA's filed and issued.

Year	PFA Filings	PFA's Issued	Ex-Parte Orders Issued	Cases taken to trial & had findings of abuse	Cases taken to trial for civil contempt and guilt was found
1998	2,649	1,960	479	545 trials/361 findings of abuse	184 trials/137 held in contempt
1999	2,574	1,871	543	554 trials/376 findings of abuse	122 trials/103 held in contempt
2000	2,388	1,855	568	569 trials/316 finding of abuse	138 trials/99 held in contempt
2001	2,547	1,974	584	410 trials/292 findings of abuse	88 trials/38 held in contempt

- ❖ Comparing FY 1998 – FY 2001, Delaware experienced decreases in PFA filings and PFA's issued in 1999 and 2000. However, in 2001 compared to 2000 PFA filings increased 6%.
- ❖ In 2001, there was a 28% decrease in the number of trials held and a 36% decrease in the number of trials held for PFA contempt's. However the findings of abuse in trials increased from 56% in 2000 to 71% in 2001.

Beyond the facts documented by law enforcement and Family Court, it is crucial to collect statistics provided by shelters throughout the state. Shelter data contributes valuable information regarding victims who may never go through the criminal justice system. In Delaware there are five operating domestic violence shelters (2 New Castle County, 1 Kent County, and 2 Sussex County). In addition to providing emergency

shelter services for domestic violence victims, these shelters provide crisis intervention through hotline services.

- ❖ People's Place II, Inc. operates "Families in Transition," located in Milford, Delaware and "Cindy's Place," in Seaford, Delaware. The hotline for these shelters is centrally located in Milford, Delaware. During the period of July 2001 through June 2002, 192 women and children (87 women and 107 children) received emergency crisis services at the two shelters. Also during this reporting period, the hotline received 1,030 calls. Additionally, "Families in Transition" provided transitional assistance to 7 women and 6 children. Furthermore, "Families in Transition" provided non-shelter services to 27 mothers. This non-shelter service involves a program established to coordinate services of a domestic violence advocate and the Division of Family Services who provide case management to domestic violence victims who have active cases with the Division of Family Services.
- ❖ Child, Inc. maintains two domestic violence shelters in New Castle County, "Martha's Carriage House," and "Sarah's House." During the reporting period of January 2001 through December 31, 2001, Child Inc.'s sheltered assisted 256 women and children (133 women and 123 children). During the same reporting period, the hotline handled 2,978 calls. Furthermore, Child Inc. provided transitional housing for four families affected by domestic violence.
- ❖ Abriendo Puertas (meaning "Opening Doors") is the first shelter to specifically work with Non-English Speaking victims of domestic violence.

Originally, La Esperanza operated this shelter. However in 1999, La Esperanza decided to discontinue providing emergency shelter services to Hispanic women. Therefore, in September 2001, the VAWA Implementation Committee provided the necessary funding to establish a domestic violence shelter in Sussex County to serve Non-English speaking victims. In the first ten months of the grant (September 2001 through July 2002), Abriendo Puertas has provided emergency shelter to 58 women and children (22 women and 36 children). In addition to providing shelter services, Abriendo Puertas has established a Hispanic Hotline. In total, 76 hotline calls were received. Of those 76 calls, 20 of the women received shelter services and 34 of the women are currently receiving case management services through the shelter.

C. Defining the Problem of Sexual Assault in Delaware

Of all violent crimes in Delaware, forcible rapes have shown the largest percent increase (221.8 %) in the last decade (Crime Victims in Delaware, CJC, 1994). In 1993, there were 581 reported rapes in Delaware (550 forcible and 31 attempted) and in 1994 there were 540 reported rapes (506 forcible and 34 attempted) (CONTACT Delaware, 1997).

Nearly six (6) out of ten (10) sexual assaults occur at the victim's home or the home of a friend, relative, or neighbor (Greenfeld, 1997). In Delaware, the "average" sexual assault victim is young, single and was assaulted by someone she knows. Of forcible rape cases reported in 1994, 82.6% of the victims knew the offender (SAC, Domestic Violence, 1996, p. 10). In other sexual assault cases, (including sexual

harassment, indecent exposure, sexual exploitation of a child and dealing in child pornography), the victim knew the perpetrator in 48.1% of the cases (SAC, Domestic Violence, 1996, p. 14). She has a one in eight chance that she was previously assaulted before the most recent attack (CONTACT Delaware, 1997).

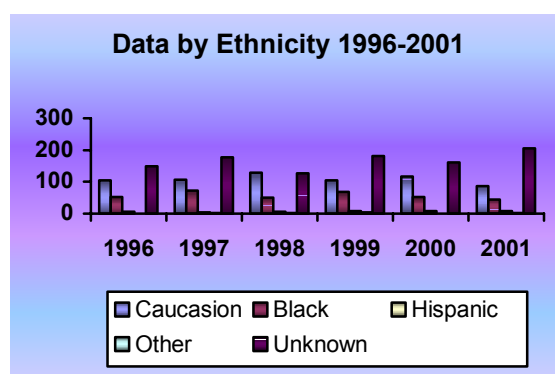
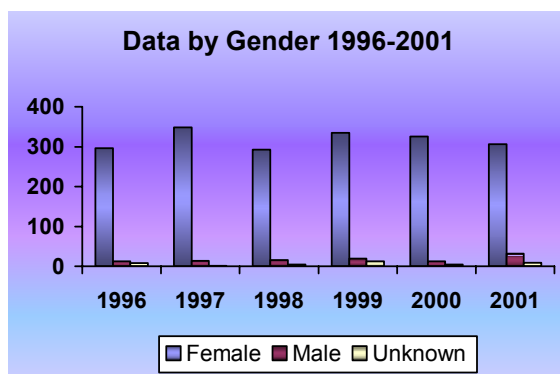
Reported rapes in Delaware rose by 11.3% statewide in 1995, from 540 in 1994 to 601 in 1995. This increase follows two consecutive years of decreases in the number of reported rapes. Of the 612 forcible rapes reported in 1999, 396 occurred in New Castle County (65%), 100 occurred in Sussex County (16%) and 116 occurred in Kent County (19%). Reported rapes accounted for 10.8% of total reported violent crime in Delaware in 1999 (SAC, Crime In Delaware 1999, September 2000 Update, p. 8) Delaware's Division of Family Services of the Department of Services for Children, Youth and Their Families indicates that 11.6% of substantiated reports of child abuse in 1993 involved sex abuse (CJC, Victims, 1994, p 89).¹

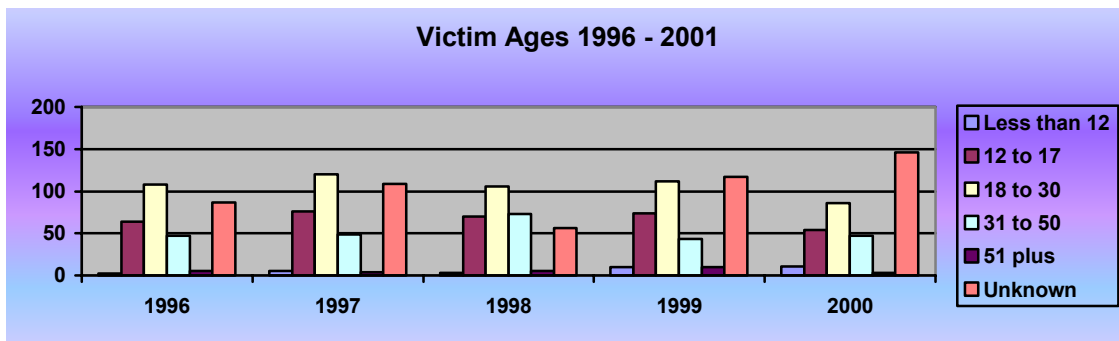
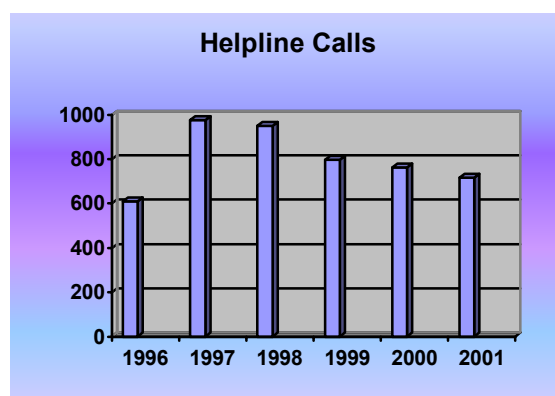
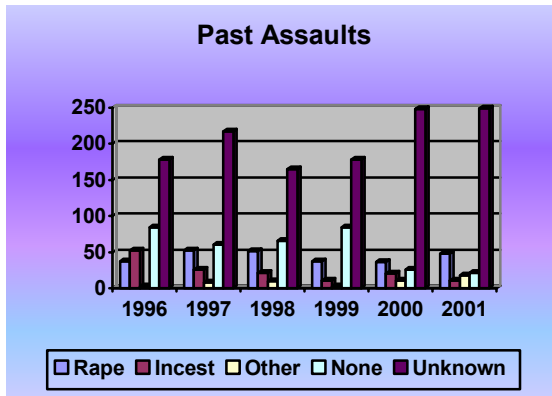
The Attorney General's Rape Response Unit in New Castle County reported that 70 percent of the victims in the Rape Unit's 1990 cases were juveniles. (CJC Victims, 1994, p 90).² The Statistical Analysis Center reports that from January 1991 through December 1992, the single largest number of rape victims for all age/sex groups, including adults, was for girls age 10-14 years comprising 22.8% of all rape victims (The JRSA Forum, June 1995). The proportion of victimized juvenile females is radically unbalanced given the fact that girls age 10-14 make up only 6.5% of the state's total population. Overall, the largest category of female victims of reported rape in Delaware

were girls under age 17, as seen in the table on the following page. (The JRSA Forum, June 1995).

CONTACT Delaware, the only statewide rape crisis center, reports that in 2001 the crisis helpline received 715 calls. Of the 347 new victims served by CONTACT Delaware in 2001, 306 were female. Nineteen percent (59) of these victims reported that they had been previously assaulted.

CONTACT Delaware maintains demographic data about all of their clients, but clients are not obligated to provide such information. Therefore, the data highlighted below reflects a very limited segment of the sexual assault victims provided services by CONTACT. Of the reported respondents who identified their race (2001 data), 86 were Caucasian, 44 were Black, 9 were Hispanic, and 2 fell under the category of Other (206 were unidentified). CONTACT Delaware maintains statistics in the following areas: Help line calls, sex, age, ethnicity, previous assaults, and incident type. The charts below compare statistics for 1996 through 2000.





Statistics profiling victims are only marginally helpful in illuminating the true extent of the problem. Since only 16% of rapes are ever reported to law enforcement officials (National Victims Center, Rape In America, 1992), data compiled from police reports grossly under represent the actual number of sexual assault incidents that occur. Data from CONTACT may help identify some additional victims who choose not to report incidents to the police, but these figures still only reflect women who seek its services after they have been assaulted.

Goals and Objectives

After reviewing a snapshot into the demographics and the brief synopsis of the domestic violence and sexual assault issues facing the State of Delaware, the VAWA Implementation Committee set forth the following goals and objectives for the utilization of FY 02 S.T.O.P. Formula Grant Funds.

Goal #1: Enhance the state's ability to encapsulate the effectiveness of S.T.O.P. Formula grant funded programs.

Objectives:

- To effectively monitor the progress of grant programs
- To coordinate criminal justice agencies and non-governmental agencies to provide the most accurate statistics on domestic violence and sexual assault cases.
- To use the results and recommendations of the recent evaluation completed on the Delaware Domestic Violence Risk Assessment.
- To explore creating a "central" database for culminating statistical information.
- To continue to work towards creating a coordinated community response.

Goal #2: Promote an effective response to domestic violence and sexual assault among Law Enforcement, Prosecution, and victim advocates.

Objectives:

- To continue to provide law enforcement, court, victim advocate, and prosecution training on merging issues (i.e., evidence collection, legislative changes, and domestic violence risk assessment) related to domestic violence, sexual assault, and stalking.

- To enhance the prosecution and evidence collection of sexual assault victims by providing training and equipment for forensic nursing.

Goal #3: Promote the Implementation and expansion of victim service delivery programs within the courts, law enforcement agencies, and underserved populations.

Objectives:

- To implement a Pre-Trial Investigator in Family Court, Court of Common Pleas, and Superior Court.
- To establish a victim advocate position with the Office of Probation and Parole.
- To continue to provide outreach services and assistance to the Non-English speaking population.
- To continue and enhance victim advocacy in the court system.

Goal #4: Amplify programs to adequately address the needs of the underserved populations within the Delaware's rural communities.

Objectives:

- To expand victim advocacy in Family Court in Kent and Sussex Counties.
- To continue to enhance the prosecution availability in Kent and Sussex Counties.
- To continue and expand services to the Non-English speaking victims of domestic violence.
- To continue to provide legal representation for low-income victims of domestic violence.

The chart of the following pages represents how the State of Delaware's VAWA Implementation Committee proposes to distribute the required allocations of 25% for Law Enforcement, 25% for Prosecution, 30% for Victim Services, 5% for Courts, and

15% Discretionary and addresses the mandatory purpose areas. After the 5% set aside for administration, the VAWA Implementation Committee had \$830,300 to allocate for the required funding categories. Overall the Committee determined that the following percentages would be allocated: Law Enforcement – 25% (\$207,575), Prosecution – 25% (\$207,575), Courts – 6% (\$45,000), Victim Services/Discretionary – 44% (\$370,150). The chart further illustrates how the Committee will work toward meeting the goals and objectives as stated in this implementation plan.

FY 02 S.T.O.P. Formula Funding Allocations

Subgrantee	Specific Goal	Collaborating Agencies	Purpose Area to be Addressed	Funding Allocation
Victim Services: \$370,150				
Domestic Violence Advocacy Center	Provide court advocacy for domestic violence victims in Kent & Sussex counties Family Court.	<ol style="list-style-type: none"> 1. Family Court 2. People's Place II 3. Dept. of Justice 4. Community Legal Aid Society 5. Law Enforcement 6. Abriendo Puertas 7. La Esperanza 8. Probation & Parole 	Providing specialized domestic violence advocates in courts where significant PFA are granted	65,377
YWCA of New Castle	Provide intensive case management & therapeutic services to domestic violence victims.	<ol style="list-style-type: none"> 1. CHILD, Inc. 2. DE Volunteer Legal Services 3. DCADV 4. Victim Advocacy Project 5. Battered Women's Hotline 6. Police victim service units 7. Health & Human Services 8. DVCC 	Developing, enlarging, and strengthening domestic violence service programs	42,000
Latin American Community Center	Provide Latino immigrants of D.V. w/ individual & group counseling, info. Re: immigration, accomp., translation & referrals for case management.	<ol style="list-style-type: none"> 1. Widener University 2. DE Coalit. Against DV 3. Domestic Violence Coordinating Council 4. CHILD, Inc 	Developing, enlarging, and strengthening domestic violence service programs; Providing assistance to victims in sexual assault & domestic violence immigrant matters	57,753

Community Legal Aid Society, Inc	Provide legal representation for D.V. victims w/ ancillary matters in Kent & Sussex County.	<ol style="list-style-type: none"> 1. Children & Families First 2. People's Place II 3. La Esperanza 4. Crisis House 5. Casa San Francisco 6. CHILD, Inc. 7. Abriendo Puertas 8. Shepards Place 9. Domestic Violence Advocacy Center 10. DCADV 	Developing delivery or improving the delivery of victim services to underserved populations, Providing specialized domestic violence advocates in courts where significant PFA are granted	75,000
CONTACT, DE	Provide services to cover Sussex County and provide sexual assault intervention and supportive services to a particularly high-risk group for rape and sexual assault – adolescent girls and young adult females	<ol style="list-style-type: none"> 1. School based Wellness Centers 2. S.A.N.E Programs 	Developing, enlarging, and strengthening domestic violence service programs, Developing delivery or improving the delivery of victim services to underserved populations,	51,160
Christiana Care Health Services	S.A.N.E. Program – to provide supplemental assistance to the existing S.A.N.E. project	<ol style="list-style-type: none"> 1. CONTACT, DE 2. Law Enforcement 3. Dept. of Justice 4. Pathways- offering counseling to victims 5. Women's Health Center 	Training of sexual assault forensic medical personnel examiners...	30,000

Diocesan Council	Abriendo Puertas (shelter) will provide support services to victims of domestic violence: transportation, support groups, childcare and data management.	Peoples Place Law Enforcement Dept. of Justice Probation and Parole Domestic Violence Advocacy Center CLASI DCADV DVCC La Esperanza	Developing, enlarging, and strengthening domestic violence service programs, Developing delivery or improving the delivery of victim services to underserved populations... Providing assistance to victims of domestic violence in immigration issues.	29,130
Contact Delaware	To provide crisis intervention and group based treatment to victims of sexual assault.	S.A.N.E. Project Rape Crisis Hotline	Developing, enlarging, or strengthening victim service programs, including sexual assault.	19,730
Law Enforcement: \$207,575				
Dover Police Dept.	To continue funding a part-time D.V. Specialist for the City of Dover.	1. Coal. Against DV 2. DE State Police 3. DE Victims Center 4. Dept. Of Justice 5. DVAC 6. Family Court 7. People's Place II, etc.	Develop., expand., or improving victim service programs, including improving delivery of services for racial, cultural, linguistic, and ethnic minorities, and disabled and providing spec. D.V. court advocates	22,975
Domestic Violence Coordinating Council	Domestic Violence. & Sexual Assault training for Law Enforcement professionals.	1. CHILD, Inc 2. Courts 3. Dept. of Justice 4. Public Defender's Office 5. Law Enforcement 6. Courts	Training law enforcement officers, judges, and other court personnel and prosecutors to effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence.	35,437

Wilmington Police Dept.	To contract with the Delaware Center for Justice to provide direct services, including intensive case management to elderly victims of domestic violence.	1. Delaware Center for Justice 2. Dept. of Justice 3. Law Enforcement 4. Adult Protection 5. YWCA 6. Courts	Developing, enlarging, or strengthening programs to assist law enforcement, prosecutor, courts, and other to address the needs and circumstances of older and disabled women who are victims of domestic violence...etc.	20,000
Delaware State Police Dept.	To purchase Polaroid Law Enforcement spectra kits and sufficient film for every responding patrol officer in Kent County which ultimately will enhance the prosecution of domestic violence cases.	Polaroid Company Law Enforcement Courts Dept. of Justice	Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services devoted to preventing, identifying, and responding to violent crimes against women, including sexual assault and domestic violence. Training law enforcement officers, judges, and other court personnel and prosecutors to effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence.	26,000
Probation and Parole	To collaborative with an agency to provide outreach services to victims of domestic violence and sexual assault – where the perpetrator is active on probation and parole.	Law Enforcement Police-Based Victim Services Child, Inc. YWCA Dept. of Corrections Dept. of Justice	Developing, enlarging, and strengthening domestic violence service programs,	42,150

Delaware State Police Dept.	Collaborative effort to enhance and expand the existing Sexual Assault Response Teams by purchasing state of the art colposcopic equipment. This would enhance the evidence collection, which would likely enhance the prosecution of the case.	S.A.N.E. Dept. of Justice	Develop., training., expand., units of law enforcement officers specifically targeting violent crimes against women, including D.V. and sexual assault	59,100
Wilmington Police Dept.	To purchase equipment needed to improve communication pertaining to gun relinquishments between the WPD, DELJIS, and Family Court.	DELJIS Family Court	Developing, installing, or expanding data collection and communication systems, including computerized systems linking police, prosecution, and the courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders....etc.	1,913
Courts: \$45, 000				
Family Court	To hire a D.V. Investigative Services Officer to provide pre-sentence reports to Judicial officers & make recommendations for sentencing. – This will be a pilot program for NCC.	1. Domestic Violence Coordinating Council 2. CHILD, Inc 3. Dept. of Justice 4. Public Defender's Office	Developing, training or expanding, courts to more effectively respond to violent crimes against women	45,000
Prosecution: \$207,575				
Department of Justice	To strengthen the response to & the prosecution of violence crimes against women.	N/A	Developing, training of prosecutors to more effectively respond to violent crimes against women Develop and implementing more effective prosecution policies and protocols, orders, and services devoted to preventing, identifying, and responding to violent crimes against women	207,575

STOP GRANT PROGRAM EVALUATION

The nature and extent of the impact of the Violence Against Women Act STOP Grants in Delaware can perhaps best be determined through individual examination of the progress of each subgrantee. The specific means through which these programs will be monitored will depend upon the nature of the programs proposed by each subgrantee. As a part of the process of applying to receive STOP Grants, all potential subgrantees are required to delineate measurable goals and objectives pertaining to their particular project proposals. Upon approval of a grant application, the VAWA Planner is charged with the responsibility of monitoring the grant to ensure that the subgrantee is fulfilling the goals set forth prior to approval of the funding. Grant monitoring is an active process that entails the VAWA Planner going on-site to evaluate the progress of a subgrantee.

In addition, subgrantees must submit quarterly fiscal and programmatic reports as well as a final report in which they summarize data that they have collected throughout the term regarding the effectiveness of their programs. These reports must evaluate achievement based upon purported objectives and performance indicators, and they should also indicate the extent to which a project has made an impact on a targeted area. Grant funds are disbursed in increments and only upon satisfactory achievement of the proposed goals. If a subgrantee is negligent in submitting a quarterly report, a request for funds will not be honored until the VAWA Planner receives the report.

A realist's approach to assessing the Violence Against Women Act might suggest that the success of the Act may not be readily visible in a direct reduction of the amount of violent criminal acts committed against women in Delaware. Rather, programs funded by the Act are more likely to effect changes in areas such as the quality of service

provided to victims, the resources available to prosecutors and law enforcement officials, and the sensitivity of the system to the victims' needs. Thus, individual evaluation of subgrantees is the most efficient means of gauging the success of programs funded by the Violence Against Women Act. The types of data and methods of analysis used to measure effectiveness vary according to the nature of the subgrant. Programs of a preventive nature, for example, might be evaluated based upon the differential knowledge of clients serviced before and after an education program. On the other hand, the achievement level of grants secured to provide improved evidence collection methods might be measured by a change in the number of successful prosecutions in that jurisdiction. The process of conducting individual evaluations of subgrantees, along with a more generalized analysis of the STOP Grant process on the State level, can ensure that a comprehensive assessment of the programs under the Violence Against Women Act is properly performed.

Available Services

Governmental Agencies

❖ **Department of Services for Children, Youth and Their Families**

Two entities within the Department deal directly with services for female victims of sexual assault and/or domestic violence.

❖ **Division of Family Services** provides a broad continuum of services for children and families in Delaware. These services include programs aimed at fostering the prevention of child abuse and neglect, community support for victims, family preservation and reunification, and permanency planning for children who are unable in certain situations to remain with their natural parents. The Division is legally bound to receive and investigate reports of abused and neglected children. State law requires law enforcement officers to lodge a charge of endangering the welfare of a child against perpetrators involved in domestic violence situations that offspring witness. Other allegations of domestic violence that place a child at risk are investigated when the violence occurs on a chronic basis and/or the parents have not followed through with recommended treatment or referrals.

❖ **Division of Child Mental Health** provides services related to the psychiatric assessment of young sexual assault victims, such as clinical programs, consultations, and referrals for treatment contracts.

❖ **Law Enforcement** In Delaware there are approximately 40 law enforcement departments. All of Delaware's police departments are actively involved in sexual assault and domestic violence cases. Delaware State Police Department, New Castle County, and the Wilmington Police Department have all established domestic violence units. In these units officer involvement includes the initial response to sexual assault and domestic calls, investigation, arrest, and participation at criminal trials. Police also help to effectuate civil Orders of Protection from Abuse and may be called upon to testify at civil trials on Protection from Abuse petitions.

Police departments throughout the state offer various services and programs for female victims of violence. Five of the major police departments (Delaware State Police Department, New Castle County Police Department, Wilmington Police Department, Dover Police Department and Georgetown Police Department) have implemented victim service divisions. The Victim Service staff is prepared to assist victims, witnesses and families with these issues. The goals of Victim Services are as follows: provide short and long term crisis intervention, act as an information and referral source, and reduce the trauma to victims, witnesses and survivors; eliminate additional trauma; coordinate resources through a single agency; increase positive interaction among victims/witnesses, survivors and law enforcement officials; provide a smoother transition into the criminal justice

system in cases where an arrest has been made; and guarantee services in those cases where an arrest has not been made

In order to achieve the above mentioned goals, the Victim Service Center completes the following tasks: 24 hour emergency crisis intervention, information and referrals for appropriate social service agencies, court accompaniment, follow up contacts, calls, letters and/or home visits, assistance with filing for emergency financial assistance, and landlord/Employer intervention.

❖ **Delaware Department of Justice**

The Attorney General's Office is responsible for prosecuting criminal offenses. In order to help combat violence against women, the Attorney General's Office has established Domestic Violence Units in each of Delaware's three counties, which handle all family violence cases including intimate partner violence. Additionally, there is a Sex Crimes Unit in New Castle County. These specialized prosecution units include victim assistance social workers who provide direct services to all victims associated with those units.

The Delaware Department of Justice Victim/Witness Services Unit provides a wide continuum of social services to victims, their families, and witnesses in cases involving violent crimes and other offenses that cause personal injury. As part of these services, the unit provides crisis intervention, supportive counseling, court accompaniment and referrals for therapy or other social service needs. The unit assists prosecutors and law enforcement officials in preparing cases. Staff helps educate victims about the criminal justice process and prepares them for proceedings, attempting to ensure their participation rights are upheld. The unit also provides victims with case status information and provides all victims with case event information through an automated notification system.

❖ **Adult Protective Services, Division of Aging**

Adult Protective Services handles many cases in which the elderly have been the victims of sexual assault or domestic violence. Elder abuse includes all offenses involving physical abuse, sexual abuse, or financial exploitation of individual's age 60 or older.

❖ **Courts**

Superior Court, Family Court, the Court of Common Pleas, and the Justice of the Peace Court hear criminal domestic violence and sexual assault cases. Family Court has exclusive jurisdiction over Protection from Abuse Act proceedings, and many other civil matters that involve allegations of abuse, such as divorce, custody, support, and dependency and neglect proceedings. The Domestic Violence Unit of the Family Court makes recommendations at bail review hearings, provides victims with assistance in completing forms and dealing with various other aspects of the criminal justice process.

❖ **Violent Crimes Compensation Board**

The General Assembly has declared that it serves a public purpose, and is of benefit to the State, to indemnify those persons who are victims of crimes committed within the State, and it is therefore the declared purpose of this chapter to promote the public welfare by establishing a means of meeting the additional hardships imposed upon the innocent victims of certain crimes, and the families and dependents of those victims.

❖ **United States Attorney's Office**

The United States Attorney's office for the District of Delaware is responsible for prosecuting federal criminal offenses including new offenses under the Violence Against Women Act. The Victim/ Witness Coordinator is responsible for the four main components of the Victim/Witness Program: notification, specialized assistance services; system advocacy; and training and education. Office policy requires that all cases of domestic violence and sexual assault be immediately referred to the Victim/Witness Coordinator for services. The United States Attorney and the Victim/Witness Coordinator serve on various statewide committees and task forces dealing with domestic violence, Sexual assault and other areas of victimization. The Victim/Witness Coordinator serves as the Violence Against Women Act Point of Contact for the Executive Office for United States Attorneys and as a resource within the district for the Assistant United States Attorney's, federal investigative agencies, local law enforcement and victim service providers regarding Violence Against Women Act issues.

Advocacy/Policy Organizations

There are several advocacy organizations in Delaware that are composed of representatives of governmental and private agencies.

❖ Victims' Rights Task Force

The Victims' Rights Task Force is a multi-agency task force that drafted the Victims Bill of Rights that was enacted in July of 1992. The Task Force continues efforts to ensure implementation of the Bill. The Task Force also sponsors annual Victims' Rights Week activities and takes an active role in assisting legislative efforts that relate to victims of crime.

❖ Domestic Violence Task Force

The Domestic Violence Task Force is active in researching, drafting and lobbying for legislation affecting domestic violence. It is also involved in coordinating efforts and resources among agencies to improve services for victims of domestic violence, helping establish protocols among police, courts and the medical community and educating agencies and the public about domestic violence, its prevention, and the available resources. The Task Force has over 100 members statewide, including representatives from police departments, public agencies, courts, private organizations, and legislators.

❖ Delaware Coalition Against Domestic Violence

The Delaware Coalition Against Domestic Violence is a statewide, nonprofit domestic violence coalition of private, nonprofit agencies and programs providing shelter and direct services to adult victims of domestic violence, allied organizations and supportive individuals. The key objectives of the Coalition are: To act as an educational and informational resource for our member agencies and the community; to advocate on domestic violence issues; and to provide a strong, unified, statewide voice for battered women and their children, domestic violence programs, victim workers and task forces in Delaware.

❖ Domestic Violence Coordinating Council (DVCC)

The Delaware General Assembly created the Domestic Violence Coordinating Council in 1993 for the purpose of addressing the problem of domestic violence statewide. The Council is comprised of the Chief Judge of the Family Court, the Attorney General, the Public Defender, a State Senator, a State Representative, a member of the Cabinet to be designated by the Governor, Chief Judge of Superior Court, a representative of the law enforcement community, the Chairperson of the Domestic Violence Task Force, Commissioner of the Department of Correction, the Secretary of the Department of Public Safety, a family practice physician, an at large member appointed by the Family Law Commission, and two at large member elected by the Council.

The Coordinating Council has as its mission to reduce the incidence of domestic violence in all its forms. The six major goals of the organization are:

1. To continuously study court services and procedures, law enforcement procedures and protocol, and criminal justice data collection and analysis as it relates to domestic violence, and to effectuate coordination between agencies, departments and the courts with victims of domestic violence and abuse.
2. To promote effective prevention, intervention and treatment techniques that will be developed based upon research and data collection.
3. Recommend standards for treatment programs for perpetrators of domestic violence to the Department of Health and Social Services, Department of Services for Children, Youth and Their Families, and the Department of Correction.
4. Review and comment upon legislation relating to domestic violence introduced in the General assembly or on its own initiative.
5. Improve the response to domestic violence and abuse.
6. One of the Council's primary focuses has been to raise public awareness by educating the community about the seriousness of the matter. To accomplish its goals, the Council has created an executive committee and ten standing subcommittees that are chaired by members of the Council and that include other members of the community.

To address the domestic violence needs in Delaware, the DVCC created several subcommittees. These subcommittee are: Court and Procedures, Law Enforcement, Health Care, Treatment and Resources, Legislative Drafting and Review, Corrections & Probation, Immigration, and Child and Domestic Violence. In addition, there are four staff driven working groups. These groups are: Law Enforcement Training, Fatal Incident Review, Public Information Programs and Public Awareness, and Batterer's Intervention Certification.

❖ Sexual Assault Network of Delaware

In order to begin to address the issues and concerns of sexual assault victims, CONTACT Delaware, Inc. founded the Coordinating Council Against Sexual Assault in Delaware (CCASAD) and later changed the name to Sexual Assault Network of Delaware (SAND). The purpose of the Sexual Assault Network of Delaware is to raise awareness of the problem of sexual assault in all its forms. These include, but are not limited to: rape, incest, sexual abuse, sexual harassment, and other forms of sexual exploitation. Additional purposes for the Network are:

- To assure adequate and effective treatment services for victims of sexual assault
- To promote the coordination of services for victims
- To encourage prevention efforts aimed at reducing the incidence of sexual assault.

The SAND network, a volunteer network of interested persons committed to the elimination of sexual assault, is comprised of: statewide rape crisis services (CONTACT Delaware, Inc.), mental health and healthcare providers (SOAR, Inc., SSAV Program), victim services advocates, law enforcement personnel,

Delaware's Attorney General's Rape Response Unit (prosecution), statewide SANE (Sexual Assault Nurse Examiners) Programs (Christiana Care Health, Bayhealth and Nanticoke Hospital, etc.) human services professionals concerned with sexual assault issues including the Child Advocacy Center, and sexual assault victims' representation.

Non-Profit/Non-Governmental Agencies

Issues concerning sexual assault and domestic violence are also addressed by several private non-profit agencies. Although the missions of such organizations are often limited to either sexual assault or domestic violence, public agencies often address issues relating to violence against women in general.

❖ CONTACT Delaware

CONTACT is a United Way Member Agency, and the only statewide organization in Delaware that provides services for victims of rape and sexual assault. It offers 24-hour rape crisis telephone counseling, crisis intervention and accompaniment services for victims, sexual assault prevention programs, and victims' support groups.

❖ SOAR, Inc. (Survivors of Abuse in Recovery)

SOAR is a comprehensive outpatient center that provides: treatment for victims of incest and sexual abuse; outpatient groups for adult survivors of sexual abuse; outpatient groups for partners of survivors; assessment and referral services; psycho-educational programs for persons affected by sexual abuse; and consultation and training for professionals and the community at large.

❖ Delawareans United for the Prevention of Child Abuse (DUPCA)

Delawareans United for the Prevention of Child Abuse, formerly known as Parents Anonymous of Delaware, is an organization that provides therapeutic support groups for long-term care of victims of sexual assault. DUPCA offers programs for victims of child abuse (including sexual abuse) in the schools, as well as for juvenile victims of abuse who are clients of the Division of Family Services. DUPCA also provides support groups for adult victims and survivors of sexual assault in Kent County. The agency is an active advocate of victims, organizing activities to promote community involvement and public education about issues concerning sexual assault.

❖ Sexual Assault Nurse Examiners Program (SANE)

Throughout the past 7 years, Delaware has implemented, through Victim of Crime Act funds and Violence Against Women S.T.O.P. Formula grant funds, four Sexual Assault Nurse Examiner Programs at Nanticoke Memorial Hospital, Christiana Care Health Services, Beebe Medical Center, and Bayhealth Medical Center. These programs provide registered nurses who are principally trained on how to gather forensic evidence for sexual assault victims.

❖ **The Children Advocacy Center (CAC)**

The Children Advocacy Center (CAC) is a nonprofit organization that was opened in April of 1996 to coordinate the investigation of allegations of physical or sexual abuse of children. CAC staff conducts forensic interviews and medical examinations of children who are alleged to have been victims of child abuse, domestic violence or are witnesses to a crime. The purpose of the CAC is to minimize the trauma that the children and their families are going through having to endure multiple interviews at various locations throughout the state during the investigative process. The CAC utilizes a multi-disciplinary team approach that includes representatives from the prosecutor's office, various law enforcement agencies, the Division of Family Services and medical professionals.

❖ **Child, Inc.**

Child, Inc. runs Martha's Carriage House and Sarah's House, two of five battered women's shelters in the State. Clients are primarily residents of New Castle County, and its services include: a 24-hour hotline; temporary shelter; crisis counseling; parent education; transitional counseling; and support groups. Child, Inc. is also a certified Batterer's Intervention Program. Furthermore, Child, Inc. offers several programs to address the family as whole unit. For example the agency's "Helping Children Heal" program offers clinical therapy to children who have witnessed domestic violence. Individual and group counseling are offered to women who have been victims of violence or abuse in an intimate relationship. Women are also provided with advocates who assist in their dealings with social services, Family Court, and the criminal justice system. The advocates also help address housing, employment, and transportation needs.

Beyond their services to domestic violence victims and their families, Child, Inc. has also been instrumental in providing outreach and education to high schools and other community agencies regarding dating violence.

❖ **People's Place II**

People's Place II is the administering agency of Delaware's 2 battered women's shelter that serves residents of Kent and Sussex Counties. Services include: a 24-hour hotline; temporary shelter; individual and group counseling for victims of abuse; drug/alcohol counseling; screening services to detect children with developmental or learning disabilities, symptoms of sexual abuse, and the effects of inadequate/inappropriate parenting; and on-site schooling for children. Women are also provided with advocates who will assist in their dealings with social services, Family Court, and the criminal justice system, and will help address housing, employment, transportation, and education needs.

❖ **Abriendo Puertas (means "Opening Doors")**

Abriendo Puertas, located in Georgetown, Delaware is the first Hispanic shelter to be established in Delaware. Although this shelter is still in its infancy stage it is filling a

gap in services that are desperately needed for an ever- growing population of Latino's in our state.

❖ **Domestic Violence Advocacy Center**

In January of 1995, The Center of Victim Advocacy for Kent & Sussex Counties established a volunteer based victim advocacy program designed to assist domestic violence victims with safety planning, court accompaniment, protection order filings and other court related matters. The program is housed within the Dover and Georgetown Family Court buildings and already has thirteen volunteers trained to work with clients.

❖ **Delaware Volunteer Legal Services**

Delaware Volunteer Legal Services provides pro bono legal assistance in civil cases to low-income victims of domestic violence. In addition, DVLS hired a full-time attorney whose practice is limited to helping victims of domestic violence obtain Orders of Protection from Abuse and certain matters ancillary to the domestic violence.

❖ **Community Legal Aid Society (CLASI)**

The Domestic Abuse Legal Service project enables more low-income victims of domestic violence to have legal representation in Protection from Abuse proceedings and in ancillary matters following the issuance of an Order of Protection from Abuse.

❖ **Latin American Community Center (LACC)**

The Families in Control project provides crisis intervention support, group and individual therapy, case management, interpretation, guidance with immigration issues, and referral services for Latino women who are victims of domestic violence and their children.

❖ **Y.W.C.A.**

The YWCA has created a "Healings Families program. As part of this center they have employed a domestic violence case manager who provides counseling and referral services to victims of domestic violence in New Castle County. The case manager also organizes support groups for battered women and assists victims with any transitional needs that they may have. In addition, this program offers contracted with clinical therapists to assist with mental health.

Appendix A: FY 02 Strategic Planning Session Participant List

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Appendix B

SOLICITATION FOR CONCEPT PAPERS

Pursuant to “The State Procurement Act” (Title 29, Chapter 69 of the Delaware Code), The Delaware Criminal Justice Council (hereinafter referred to as the CJC) is hereby soliciting concept papers for the potential funding under the entitled FY2002 S.T.O.P. (Services, Training, Officers, and Prosecutors) Formula Grant. According to the Violence Against Women’s Office solicitation, *“the S.T.O.P. Violence Against Women Formula Grants Program promotes the development and implementation of effective victim-centered law enforcement, prosecution, and court strategies to address violent crimes against women and the development and enhancement of victim services involving violence crimes against women. By committing federal funding to these areas, the criminal justice system can restructure and strengthen their response to domestic violence, sexual assault, and stalking, drawing on the experience of all participants in the system, including victim advocates.”*

The eligibility requirements for this statewide grant include the following:

1. States must demonstrate how they will distribute the grant funds annually:
 - a. at least 25% must go to law enforcements
 - b. at least 25% must go to prosecution
 - c. at least 30% must go to victim service programs,
 - d. at least 5% must go to court programs.
2. There must be equitable distribution, taking into consideration urban, non-urban, and rural differences, as well as previously underserved populations due to geographic isolation, racial or ethnic barriers, language barriers, or physical disabilities.
3. States are required to certify that they will incur the full out-of-pocket costs for forensic medical examinations involving sexual assault victims. **Also victims are not to bear any costs associated with the filing of criminal, warrant, protection order, or subpoena charges.**
4. Non-profit, nongovernmental victim service programs are exempt from match requirements. **However, governmental agencies must provide a 25% non-federal match.** (Note: cash or in-kind services maybe used as match).
5. States are required to consult and coordinate with non-profit, nongovernmental victim services programs, including sexual assault and domestic violence service programs.

According to the S.T.O.P. Violence Against Women Office Formula Grant solicitation, the following **ELEVEN allowable purpose areas** have been identified:

1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence.
2. Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violence crimes against women, including domestic violence and sexual assault.
3. Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services devoted to preventing, identifying, and responding to violence crimes against women, including sexual assault and domestic violence.
4. Developing, installing, or expanding data collection and communication systems, including computerized systems linking police, prosecution, and the courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violence crimes against women, including the crimes of sexual assault and domestic violence.
5. Developing, enlarging, or strengthening victim service programs, including sexual assault, domestic violence, and dating violence programs; developing or improving the delivery of victim services to underserved populations; providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted; and increasing reporting and reducing attrition rates for cases involving violence crimes against women, including sexual assault and domestic violence.
6. Developing, expanding, or strengthening programs addressing stalking.
7. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.
8. Supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by state funds, to coordinate the responses of state law enforcement agencies, prosecutors, courts, victim service agencies, and other state agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence.
9. Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault.

10. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals.
11. Providing assistance to victims of domestic violence and sexual assault in immigration matters.

Furthermore, it is important to note the following:

1. S.T.O.P. funds may **NOT** be used to support services that focus exclusively on children or to develop sexual assault or domestic violence prevention curricula for schools.
2. S.T.O.P. funds may **NOT** support legal or defense services for perpetrators of violence against women. But they may support batterers' intervention programs, if the intervention is part of a graduated range of sanctions that use the coercive power of the Criminal Justice System to hold abusers accountable for their criminal actions and for changing their behavior.

As a result of the FY02 Strategic Planning Session, the VAWA Implementation

Committee has identified the following priorities:

Prosecution: Update the SCUZ System to accumulate data to determine outcomes specific to sexual assault and domestic violence.

Law Enforcement: Equipment needs, police-based "prevention programs within High Schools", and a victim advocate within Probation and Parole.

Concept Papers are requested. The concept paper should follow the attached format, and should not exceed eight pages in length, with no attachments. Concept papers should be forwarded to the attention of Maureen Querey at the following address on or before Friday, June 28, 2002:

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Concept Paper Format
FY2002 S.T.O.P. Violence Against Women Formula Grant Program

Title of Concept:

Applicant Name:

Applicant Address:

Contact Person:

Telephone Number:

Email Address:

Fax Number:

Brief Summary of Concept:

Federal Funds Requested: **Match Dollars Provided (IF APPLICABLE):**

Number of Years Program has been funded:

According to the solicitation, identify which of the eleven allowable purpose area(s) your grant proposal will address.

Provide a description of the problem (In this section, identify the problem and explain how this project intend to address the issue.

Provide an action plan describing how your agency proposes to solve the problem.
(This section should include the goal of the project).

Identify collaborating agencies and describe the nature of the collaboration.

Evaluation Strategy: Explain how your agency will collect and maintain data that will measure the outcome/impact of the grant proposal's prior and current efforts to combat violence against women. Specifically, the Implementation Committee is seeking data that includes baseline information to illustrate the impact before and after the implementation of the grant program. {i.e., increases or decreases in the number of persons served and type of service provided; number of persons seeking services who could not be served; 911 calls, arrests, dual arrests, domestic violence prosecutions or dismissals, domestic incidents, recidivism rates, and protection orders} (Note: This section should be quantifiable).

Will this project accomplish one of the priority areas stated above? If so, describe how.

Does your agency currently receive or have you applied to receive any other state, federal, or private funding related to programs dealing Violence Against Women? If so, identify the amount of funding and the funding source your agency currently receives or is applying to receive.

For Continuation Grants Only: Using you evaluation strategy, provide outcome measures on past results of your grant program.

Proposed Budget Summary

<u>Budget Category</u>	<u>Federal Funds</u>	Match (if applicable)	Total Project Cost
<u>Personnel</u>			
<u>Fringes</u>			
<u>Contractual</u>			
<u>Travel</u>			
<u>Supplies</u>			
<u>Operating</u>			
<u>Equipment</u>			
<u>Other</u>			
Total			

Budget Narrative

In this area provide a detailed description and cost breakout for each item sought.

Appendix C
Progress Reports for FY 00 S.T.O.P. Funded Initiatives

Community Legal Aide Society	75,000	10/01/00 – 09/30/01	Provide legal representation for Domestic Violence Victims with ancillary matters in Kent & Sussex Counties.	During this time, CLASI attorneys presented 21 community education workshops to low-income victims to inform them of their legal rights. A total of 333 cases were handled for victims of domestic violence this year, 102 were carried over from the prior year, and a total of 202 cases were closed during the year. Funding from this grant supported 1302.71 hours of legal services for victims of domestic violence. A total of 13 domestic violence victims obtained custody and visitation orders, while 89 victims obtained Orders of Protection from Abuse. All were obtained with legal representation from CLASI.
CONTACT, DE	44,000	4/16/01 – 03/31/02	Provide a traveling therapist to Sussex County High Schools to provide therapeutic services to sexually abused adolescent females	As of 12/31/01, 48 adolescent females have received a total of 245 individual counseling sessions. In addition, four outreach presentations were facilitated.
Delaware State Police Dept.	42,905	06/01/01 – 02/28/01	To hire a victim service representative to work with domestic violence and sexual victims in Delaware's southern counties.	During the first two quarters of this grant, the D.V. Specialist assisted 115 victims of domestic violence.
Delaware Center for Justice	\$28,496	10/1/00-9/30/01	To provide direct victim services for elderly victims of domestic violence.	Throughout this grant period, the Project Director contacted 17 new clients, made or received 312 telephone calls, made 58 field/office contacts and 36 home visits. The director also made 6 court accompaniments to Family Court, made 49 referrals to other services, and conducted 4 trainings and 7 presentations. In addition, the program provided VCCB assistance to 2 clients /along with responding to 180 requests for information related to domestic violence and domestic violence service providers.

Dover Police Department	18,162	01/01/01 – 03/31/02	To hire a part-time police-based Domestic Violence/Sexual Assault Specialist to work with victims of domestic/sexual assault.	As of 12/31/01, the Dover Police Department assisted 71 domestic/sexual assault victims. Included in these services were 46 safety plans, 37 court accompaniments, 2 VCCB applications, and 40 referrals to other social service agencies.
Department of Justice	186,200	01/01/01 – 12/31/01	To strengthen the prosecutorial response in domestic violence cases.	Throughout this grant year, the Dept. of Justice prosecuted 1,118 domestic violence cases. The final case dispositions have not been completed.
Wilmington Police Department	41,127	5/29/01 – 5/28/02	To hire a social worker to work with victims of domestic violence and sexual assault within the Wilmington Police Department.	As of 12/31/01, the Wilmington Police Department's Domestic Violence & Sexual Assault Social Worker has worked with 162 domestic violence victims and 30 sexual assault victims. Included in the direct services the social worker completed 33 home visits, 29 court accompaniments, and 7 VCCB applications. Besides working with victims directly, the social worker attempted to contact an additional 222 victims.
Domestic Violence Coordinating Council	84,006	3/1/01 – 06/30/02	To provide domestic violence and sexual assault training to law enforcement professionals.	Throughout this grant period, the Domestic Violence Coordinating Council provided training to 487 law enforcement professionals/victim service representatives on domestic violence and sexual assault issues.
Domestic Violence Advocacy Center	50,023	04/01/01 – 03/31/02	Provide court advocacy for domestic violence victims in Kent & Sussex Counties Family Court.	Throughout this grant period, 222 new victims were assisted at Family Court in either Kent or Sussex. The advocate(s) assisted in 306 court accompaniments, helping the client file an ex-parte petition or a PFA. As a result, 246 petitions (80%) were granted. In addition, assistance was given to each victim with safety planning and referrals to other social service agencies.

Latin American Community Center	59,000	10/01/00 – 9/30/1	Provide Hispanic Immigrants of Domestic Violence individual and group counseling, and information regarding immigration, translation, and referrals for case management.	This program provided adequate and appropriate services and referrals to 71 Hispanic victims of domestic violence, including individual, family and group therapy. In addition the program trained five bilingual volunteers who assisted the program manager with providing interpretation and translation, court accompaniment, transportation for clients and outreach. Technical assistance has been provided to 35 community agencies. Five volunteers received 20 hours of training. The volunteers offered support and advocacy to members of the Domestic Violence Woman's Support Group.
YWCA of New Castle County	42,000	12/15/00 – 12/14/01	Provide intensive case management and therapeutic services to domestic violence victims.	Of 94 clients served for the contracted year, 26 (28%) accomplished their stated goals of employment, education, counseling, and met other basic needs in order to become self-sufficient and maintain healthy lives for themselves and their children. 38 new domestic violence victims received case management, individual counseling, and group counseling. 658 individual counseling sessions were held and 41 group counseling sessions were held. 23 clients were referred to the contractual therapists. 8 clients established and maintained safe households for the project period. There were also 193 unduplicated group and workshop participants served for the contractual year.

Prevent Child Abuse Delaware	34,227	01/01/01 – 12/31/01	Provide crisis intervention and group treatment to female victims of sexual assault.	During this grant year, a total of 221 clients were served through two services. PCAD provided services to 41 clients (19 were new), while CONTACT provided services to 23 clients (all new). CONTACT staff accompanied 149 victims. 20 volunteers were trained, and two CONTACT staff worked a total of 482 hours providing oversight, supervision, and training to volunteers. 154 group sessions and 5 groups were provided during the grant year by PCAD staff. Throughout the year, 69 pre-tests and 34 post-tests were administered to clients involved in PCAD groups.
La Esperanza	De-Obligated	03/01/01 – 05/31/01	To provide shelter based services to Hispanic victims of Domestic Violence.	Prior to the end of La Esperanza's FY99 grant, the Board of Directors hired an evaluator to assess the effectiveness of the DV shelter. As a result of this evaluation, the Board of Directors decided to discontinue the shelter based program. As a result, funds to this program were de-obligated.
Diocesan Council, Inc.	23,695.68	07/01/01 – 12/31/01	To ensure continuity of the shelter and case management program previously developed for female Latino victim of domestic violence in Sussex County by providing shelter and case management services for Latino Victims.	This grant supported the implementation of a new Hispanic shelter in Sussex County. As of 10/31/01, the shelter provided emergency services to 2 women and their children; provided case management to 6 women; and established a hotline number.

La Esperanza	15,958.32	07/01/01 – 12/31/01	To provide case management to Spanish speaking immigrant victims of domestic violence. In addition, the case manager will provide support and child care for the women of D.V.	Throughout this grant period, the Domestic Violence Case Manager provided services to 59 Hispanic Victims. These services included translations, interpretation, transportation, and individual and group counseling. Much of the services provided are related to the woman receiving assistance with obtaining documentation for U.S. citizenship, drivers licenses, and attending English speaking classes.
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Domestic Violence Legislation in Delaware

Protection From Abuse Statute **PART D. PROTECTION FROM ABUSE PROCEEDINGS**

Title 10, § 1041. Definitions.

The following terms shall have the following meanings: (1) "Abuse" means conduct which constitutes the following: a. Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense, as defined in § 761 of Title 11; b. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or another; c. Intentionally or recklessly damaging, destroying or taking the tangible property of another person; d. Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response; e. Trespassing on or in property of another person, or on or in property from which the trespasser has been excluded by court order; f. Child abuse, as defined in Chapter 9 of Title 16; g. Unlawful imprisonment, kidnapping, interference with custody and coercion, as defined in Title 11; or h. Any other conduct which a reasonable person under the circumstances would find threatening or harmful. (2) "Domestic violence" means abuse perpetrated by one member against another member of the following protected classes: a. Family, as that term is defined in § 901(9) of this title, regardless, however, of state of residence of the parties; or b. Former spouses, a man and a woman co-habiting together with or without a child of either or both, or a man and a woman living separate and apart with a child in common. (3) "Petitioner" means: a. A person who is a member of a protected class and files a petition alleging domestic violence against such person or against such person's minor child or an infirm adult; b. The Division of Child Protective Services acting in the interest of a minor child and files a petition alleging domestic violence; or c. The Division of Adult Protective Services acting in the interest of an infirm adult and files a petition alleging domestic violence. (4) "Protective order" means an order issued by the court to a respondent restraining said respondent from committing domestic violence against the petitioner, or a person in whose interest a petition is brought, and may include such measures as are necessary in order to prevent domestic violence. (5) "Respondent" means the person alleged in the petition to have committed the domestic violence.

§ 1042. Commencement of action; procedure.

(a) A request for relief from domestic violence is initiated by the filing of a verified petition by the petitioner, or by the Division of Child Protective Services or the Division of Adult Protective Services, asking the court to issue a protective order against the respondent. (b) The petitioner need not reveal an address, place of residence, school or employment or the address or place where the petitioner's child or children receive child care or attend school, if it is alleged that disclosure of this information would endanger the petitioner. However, the Court may require the petitioner to reveal in confidence a

current address or place of residence for the purpose of determining jurisdiction or venue.

(c) A petition for a protective order may be filed in any county where the petitioner resides, the respondent resides, the alleged domestic violence occurred, or where the petitioner is temporarily located away from the residence to avoid domestic violence.

(d) Forms and instructions for initiating a proceeding under this part shall be available from the Clerk of the Court. Assistance from court staff or court volunteers shall be available during business hours to assist the parties with all papers which may be filed in connection with a proceeding under this part. Any assistance or information provided by court staff or court volunteers under this part does not constitute the practice of law.

(e) All forms and instructions developed for use by the parties to a proceeding under this part shall contain simple, understandable language.

§ 1043. Ex parte orders and emergency hearings.

(a) A petitioner may request an emergency protective order by filing an affidavit or verified pleading alleging that there is an immediate and present danger of domestic violence to the petitioner or to a minor child of the petitioner or to an infirm adult.

(b) An emergency protective order may be issued on an ex parte basis, that is, without notice to the respondent, where the petitioner certifies in writing the efforts, if any, which have been made to give notice to the respondent or the reasons supporting the claim that notice should not be required. (c) An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the Court is in session.

All other emergency hearings shall be scheduled for an expedited hearing within 10 calendar days after the petition is filed. (d) In any case in which an ex parte protective order has been issued, a full hearing shall be held within 10 days. The Court may extend an ex parte order as needed, but not to exceed 30 days, to effectuate service of the order where necessary to provide protection. (e) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § [1045](#) of this title. (f) In those cases where the respondent is not present for the hearing, or where the hearing is held ex parte, any protective order issued shall be served immediately upon the respondent, in accordance with § [1065](#) of this title. A certified copy of the order shall also be given to the petitioner after the hearing, before leaving the courthouse. If the order recites that the respondent appeared in person before the Court, the necessity for further service is waived and proof of service of the order is not necessary; in those cases, the respondent shall be given a copy of the order before leaving the courthouse.

(g) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § [1045](#) of this title. (h) Service of the protective order, as well as provision of copies to the parties, shall take place in accordance with § [1043\(f\)](#) of this title.

§ 1044. Nonemergency hearings.

(a) Upon receipt of a petition for a protective order, the Court shall order a hearing within 30 days. (b) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § [1045](#) of this title. (c) Service of the protective order, as well as provision of copies to the parties, shall take place in accordance with § [1043\(f\)](#) of this title.

§ 1045. Relief available; duration of orders, modification and termination.

(a) After consideration of a petition for a protective order, the Court may grant relief as follows: (1) Restrain the respondent from committing acts of domestic violence, as defined in § [1041](#) of this title; (2) Restrain the respondent from contacting or attempting to contact the petitioner; (3) Grant exclusive possession of the residence or household to the petitioner or other resident, regardless of in whose name the residence is titled or leased. Such relief shall not affect title to any real property; (4) Order that the petitioner be given temporary possession of specified personal property solely or jointly owned by respondent or petitioner, including but not limited to, motor vehicles, checkbooks, keys and other personal effects; (5) Grant temporary custody of the children of the parties to the petitioner or to another family member. Either party may request visitation at any time during the proceeding. The Court may provide for visitation by separate interim visitation order pursuant to [Title 13](#), which order shall be binding upon and enforceable against both parties. Such interim visitation order may include third party supervision of any visitation, if necessary, in accordance with Chapters 7 and 19 of [Title 13](#); (6) Order the respondent to pay support for the petitioner and/or for the parties' children, in accordance with [Chapter 5](#) of [Title 13](#), including temporary housing costs; (7) Order the respondent to pay to the petitioner or any other family member monetary compensation for losses suffered as a direct result of domestic violence committed by the respondent, including medical, dental and counseling expenses, loss of earnings or other support, cost of repair or replacement of real or personal property damaged or taken, moving or other travel expenses and litigation costs, including attorney's fees; (8) Order the respondent to temporarily relinquish to the sheriff, constable or to a police officer the respondent's firearms and to refrain from purchasing or receiving additional firearms for the duration of the order; (9) Prohibit the respondent from transferring, encumbering, concealing or in any way disposing of specified property owned or leased by parties; (10) Order the respondent, petitioner and other protected class members, individually and/or as a group, to participate in treatment or counseling programs; (11) Grant any other reasonable relief necessary or appropriate to prevent or reduce the likelihood of future domestic violence.

(b) Relief granted under this section shall be effective for a fixed period of time, not to exceed 1 year, except that such order may be extended or modified by a further order of the Court as described in subsections (c) and (d) of this section.

(c) An order issued under this part may be extended, for up to 6 months, or terms of the order modified, upon motion of either party. Hearings on such motions shall be scheduled within 30 days after proof of service on the respondent is filed. Such motions may be heard on an emergency basis if filed in accordance with § [1043](#) of this title. Orders may be extended only after the Court finds by a preponderance of the evidence that domestic violence has occurred since the entry of the order, a violation of the order has occurred, if the respondent consents to the extension of the order or for good cause shown.

(d) Only the Court shall modify an order issued under this part and the reconciliation of the parties shall have no effect on the validity of any of the provisions of such an order. The protective order may be modified or rescinded during the term of the order upon motion, after notice to all parties affected and a hearing.

(e) Any subsequent support, custody or visitation order entered by the Court in any proceeding brought pursuant to [Title 13](#) shall supersede any

relevant provisions regarding those issues which are included in a protection from abuse order, without the need to modify such protective order.

§ 1046. Enforcement; sanctions for violation of order.

(a) The Court may direct that pleadings and orders filed or issued under this part be served upon the respondent by the Sheriff or the Sheriff's deputy or by any person authorized by statute or court rule to serve process. (b) A copy of a protective order granted under this part shall be entered into the Delaware Justice Information System by the Court on or before the next business day. Entry into the Delaware Justice Information System constitutes notice to all law-enforcement agencies of the existence of the order. The order is fully enforceable in any county of the State.(c) It shall be the duty of any law-enforcement officer to arrest with or without a warrant any person whom the officer has probable cause to believe has violated a protective order issued by the Family Court or a court of any state, territory or Indian nation in the United States, and of which the person arrested has notice or knowledge. Probable cause for arrest may be established by a good faith reliance on information contained in DELJIS or on the existence of a foreign protective order. If an officer acts in good faith upon information contained in DELJIS or on reasonable belief in the existence of a domestic or foreign protective order, the officer shall be immune from suit. The person arrested shall be immediately taken before the Family Court. If the Family Court is not in session, the arrested person shall be taken before the nearest justice of the peace until bail is fixed. If bail is fixed the justice of the peace or judge shall take into consideration in determining the amount of bail whether the defendant has previously violated an existing protective order. (d) All protective orders issued under this part shall state that violations may result in: (1) A finding of contempt; (2) Criminal prosecution; and (3) Imprisonment or fine or both.(e) It shall be unlawful for a respondent to knowingly violate a protective order. Violations shall be punishable as a class A misdemeanor. Nothing in this subsection shall preclude the filing of a civil contempt petition by the petitioner for violations of a protective order issued under this part.

§ 1047. Nonpreclusion of remedies.

Nothing in this part shall preclude a petitioner or law enforcement officer from filing criminal charges when probable cause exists.

§ 1048. Jurisdiction.

The Family Court shall have jurisdiction of proceedings under this part.

PART E. APPEALS

§ 1051. Appeals generally.

(a) From any order, ruling, decision or judgment of the Court in any civil proceeding, including any delinquency proceeding, there shall be the right of appeal as provided by law to the Supreme Court. (b) From any order, ruling, decision or judgment of the Court in any criminal proceeding, there shall be the right of appeal in the first instance as provided by law to the Superior Court in the same county in which the case was adjudicated by the Court, with the further right of appeal as provided by law to the Supreme Court from an affirmance by the Superior Court of the order of the Court which was appealed, or from the entry of a judgment of conviction by the Superior Court upon a trial de novo on appeal to that Court. (c) An appeal shall be taken within 30 days from the date of the disposition, or within such time as provided by law. (d) No appeal shall stay the execution of any order of the Court unless such stay shall be specifically ordered by this Court in the first instance or by the appellate court.

§ 1052. Appeals from custody orders.

(a) Any order of the Court relative to the custody of any child shall be subject to review. (b) The child's parent, guardian, next friend or any interested person or agency, at any time within 30 days after the date of such order, may appeal to the Supreme Court. (c) In the case of an indigent person, the Court may, in its discretion, waive surety for costs upon affidavit by such person that the person is without funds and means of prosecuting the appeal. (d) The taxing of costs shall be within the discretion of the Supreme Court.

§ 1053. Appeals by the State in Family Court cases.

(a) An appeal may be taken by the State from the Family Court to an appellate court in the following instances: (1) *Appeal as of right.* a. The State shall have an absolute right to appeal to an appellate court a final order of the Family Court where the order constitutes a dismissal of a petition or information or any count thereof or the granting of any motion vacating any verdict or judgment of delinquency or conviction where the order of the Family Court is based upon the invalidity or construction of the statute upon which the petition or information is founded or where the order is based on lack of jurisdiction of the Family Court over the person or subject matter. b. Notwithstanding any section of this chapter to the contrary, the State shall have an absolute right to appeal to an appellate court from any order of the Family Court which grants an accused any of the following: a new trial or judgment of acquittal after a verdict or an adjudication of delinquency; a modification of a verdict or an adjudication of delinquency; an arrest of judgment; relief in any postconviction proceeding or in any action collaterally attacking a criminal judgment or an adjudication of delinquency; or any order or judgment declaring any act of the General Assembly, or any portion of such act, to be unconstitutional under either the Constitution of the United States or the State of Delaware, inoperative or unenforceable, except that no appeal shall lie where otherwise prohibited by the double jeopardy clause of the Constitution of the United States or of this State. c. Notwithstanding

any section of this chapter to the contrary, the State shall have an absolute right to appeal to an appellate court any ruling of the Family Court on a question of law or procedure adverse to the State in any case in which the accused was convicted or adjudicated delinquent and appeals from the judgment, except that the decision or result of the State's appeal shall not affect the rights of the accused unless the accused, on his or her appeal, is awarded a new trial or a new sentencing hearing. Once the State perfects its cross-appeal, the appellate court shall review and rule upon the questions presented therein regardless of the disposition of the accused's appeal. d. Notwithstanding any section of this chapter to the contrary, the State shall have an absolute right to appeal any sentence on the grounds that it is unauthorized by, or contrary to, any statute or court rule, in which case the decision or result of the State's appeal shall affect the rights of the accused. e. Any appeal brought by the State pursuant to subparagraph c. or d. of this subsection shall be personally authorized by either the Attorney General or the Chief Deputy Attorney General. (2) *Appeal in the discretion of the appellate court.* The State may apply to an appellate court to permit an appeal to determine a substantial question of law or procedure, and the appellate court may permit the appeal in its absolute discretion. The appellate court shall have the power to adopt rules governing the allowance of such an appeal; but in no event shall the decision or result of the appeal affect the rights of the appellee and he shall not be obligated to defend the appeal, but the appellate court may require the Public Defender of the State to defend the appeal and to argue the cause; provided, however, that if the order appealed from is an order suppressing or excluding substantial and material evidence the appellate court may permit an interlocutory appeal of any pretrial order, and if the order suppressing such evidence is reversed, the appellee may be subjected to a trial. (b) The State's rights of appeal in a delinquency proceeding provided under subsection (a) of this section shall be to the Supreme Court. The State's rights of appeal in a criminal proceeding provided under subsection (a) of this section shall be to the Superior Court in the first instance, with further rights of appeal to the Supreme Court as are provided under subsection (a) of this section, from an affirmance by the Superior Court of the order of the Family Court which was appealed. (c) The appeal or application for appeal shall be filed with the appellate court within 30 days from entry of the order appealed from, or, in any case in which the State elects to prosecute a cross appeal, notice of the cross appeal shall be filed within 30 days from the filing of a notice of appeal by the defendant. (d) "Order" for purposes of this section includes any judgment, order, ruling, decision, memorandum, opinion, or equivalent entry of the Court appealed from which constitutes a fixed determination by such Court. (e) The provisions of this section shall be liberally construed so as to afford the State the broadest possible right to appeal in a criminal case, but only to the extent permitted by the Constitution of the United States and the State of Delaware.

- ***Contempt of a PFA Statute***

Title 11, § 1271A. Criminal contempt of a domestic violence protective order; class A misdemeanor.

(a) A person is guilty of criminal contempt of a domestic violence protective order when the person knowingly violates or fails to obey any provision of a protective order issued by the Family Court or a court of any state, territory or Indian nation in the United States, as long as such violation or failure to obey occurred in Delaware. (b) Criminal contempt of a domestic violence protective order is a class A misdemeanor. (c) A person found guilty of criminal contempt of a domestic violence protective order shall receive a minimum sentence of 15 days incarceration if: (1) Such contempt resulted in physical injury; or (2) Such contempt involved the use or threatened use of a deadly weapon; or (3) The defendant was convicted of criminal contempt of a domestic violence protective order under this section on 2 or more occasions prior to this violation. (d) The minimum sentence shall not be subject to suspension and no person subject to the minimum sentence shall be eligible for probation, parole, furlough or suspended custody during said sentence.

- ***First Offenders Program Statute***

Title 10, § 1024. First offenders domestic violence diversion program.

(a) For the purposes of this section, domestic violence shall be considered as any act or acts committed by an adult member of a family against one or more members of the person's family, as that term is defined in [10 Del.C. § 901\(9\)](#), which constitute any of the following criminal offenses under Title 11: offensive touching (§ 601); menacing (§ 602); reckless endangering in the second degree (§ 603); assault in the third degree (§ 611); terroristic threatening (§ 621); vehicular assault in the second degree (§ 628); sexual harassment (§ 763); unlawful sexual contact in the third degree (§ 767); unlawful imprisonment in the second degree (§ 781); coercion (§ 791); reckless burning or exploding (§ 804); criminal mischief classified as a misdemeanor (§ 811); criminal trespass in the first, second or third degrees (§§ 821, 822, 823); harassment (§ [1311](#)); or aggravated harassment (§ [1312](#)). (b) Those acts of domestic violence for which an offender may elect to apply for first offender status under this rule shall be limited to the following criminal offenses under Title 11: offensive touching (§ 601); menacing (§ 602); sexual harassment (§ 763); criminal mischief classified as a misdemeanor (§ 811); criminal trespass in the first, second or third degrees (§§ 821, 822, 823); harassment (§ [1311](#)); or aggravated harassment (§ [1312](#)). (c) Any adult who: (1) Has not been convicted of a violent felony or any domestic violence offense under [Title 11](#) listed in subsection (a) of this section, or under any statute of the United States or of any state thereof including the District of Columbia relating to a violent felony or acts of domestic violence substantially similar to those criminal offenses listed in subsection (a) of this section; (2) Has not previously been afforded first offender treatment or other diversion programs for domestic violence; (3) Has been charged with a domestic violence offense listed in subsection (b) of this section; and (4) Has appeared at Family Court for a bail review/domestic violence interview, may qualify for the first offense election at the time of arraignment. (d) At the time of arraignment any person qualifying under subsection (c)

of this section as a first offender and who elects to apply under this section shall admit to the offense by entering a plea of guilty, as a first offender. The court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and shall place the offender on probation for a period of 1 year upon terms and conditions of which shall include but not be limited to: (1) Enrollment with a counseling service for the purposes of evaluation and such counseling services as the evaluation counselor deems necessary; (2) Satisfactory completion of the counseling program; (3) Evaluation for alcohol and other drug abuse, and successful completion of a course of treatment as may be indicated by the evaluation; (4) Restitution, where appropriate, to the victim; (5) No unlawful contact with the victim during the period of probation; and (6) Other such terms and conditions as the Court may impose. (e) If a term or condition of probation is violated, including failure to appear for evaluation at an assigned evaluating agency, the offender shall be brought before the Court, or if the offender fails to appear before the Court, in either case, upon a determination by the Court that the terms have been violated, the Court shall enter an adjudication of guilty and proceed as otherwise provided under [Title 11](#). (f) Upon fulfillment of the terms and conditions of probation, including, but not limited to, satisfactory completion of courses of instruction and/or programs of counseling/rehabilitation, and payment of all costs and fees, the court shall discharge the person and dismiss the proceedings against the offender and shall simultaneously therewith submit to the Attorney General a report thereof which shall be retained by the Attorney General for use in future proceedings, if required. (g) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualification or disabilities imposed by law upon conviction of a crime, except the additional penalties imposed for second or subsequent offenses under [Title 11](#). (h) Any person who elects to apply for first offender status shall by said application be deemed to have waived the right to a speedy trial and further agrees to pay the cost of prosecution as a condition. If a person elects not to apply for first offender status or if the application is not accepted, the matter shall be promptly scheduled for trial. (i) There may be only 1 discharge and dismissal under this section with respect to any person.

- ***Misdemeanor Arrest Statute for Domestic Violence***

Title 11, § 1904. Arrest without warrant.

(a) An arrest by a peace officer without a warrant for a misdemeanor is lawful whenever the officer has reasonable ground to believe that the person to be arrested has committed a misdemeanor: (1) In the officer's presence; (2) Out of the officer's presence and without the State, and if law-enforcement officers of the state where the misdemeanor was committed request an arrest and the accused will not be apprehended unless immediately arrested; (3) Out of the officer's presence and within the State for the crime of shoplifting and the arrest is based upon personal investigation at the scene of arrest and where a store employee is present who has observed the activity of the person to be arrested and that person is still present; (4) Out of the officer's presence and within the State for any misdemeanor involving physical injury or the threat thereof or any misdemeanor involving illegal sexual contact or attempted sexual contact; (5) Out of the officer's presence and within the State for a violation of a protective order issued by Family Court

or a court of any state, territory, or Indian nation in the United States; or (6) Out of the officer's presence and within the State for any misdemeanor occurring on school property.(b) An arrest by a peace officer without a warrant for a felony, whether committed within or without the State, is lawful whenever: (1) The officer has reasonable ground to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed; or (2) A felony has been committed by the person to be arrested although before making the arrest the officer had no reasonable ground to believe the person committed it. (c) Notwithstanding any other provision of law to the contrary, an arrest by a peace officer without a warrant for violation of probation is lawful whenever the peace officer has a reasonable ground to believe that the person to be arrested has committed a new offense within or without the State during a period of probation and has thereby violated a condition of said probation imposed upon the person by a court of this State. A reasonable ground to believe that a person has committed a new offense may be based upon, but is not limited to, a finding of probable cause to issue a warrant for the new offense made by a neutral magistrate, an indictment returned by a grand jury for the new offense or an information for the new offense filed in any court. Any person arrested pursuant to the provisions of this subsection shall be processed in accordance with the provisions of § [1909](#) of this title, at which time bail shall be set on both the new offense and the violation of probation.

• ***Child protection from Domestic Abuse Statute***

Title 13, § 701A.

This chapter shall be known as and may be cited as the "Child Protection From Domestic Violence Act".

§ 702A. Purpose.

The purpose of this chapter is to protect children from domestic violence and the harm caused by experiencing domestic violence in their homes.

§ 703A. Definitions.

(a) "Domestic violence" includes but is not limited to physical or sexual abuse or threats of physical or sexual abuse and any other offense against the person committed by 1 parent against the other parent, against any child living in either parent's home, or against any other adult living in the child's home. "Domestic violence" does not include reasonable acts of self-defense by 1 parent for self-protection or in order to protect the child from abuse or threats of abuse by the other parent or other adult living in the child's home.(b) "Perpetrator of domestic violence" means any individual who has been convicted of committing any of the following criminal offenses in the State, or any comparable offense in another jurisdiction, against the child at issue in a custody or visitation proceeding, against the other parent of the child, or against any other adult or minor child living in the home: (1) Any felony level offense; (2) Assault in the third degree; (3) Reckless endangering in the second degree; (4) Reckless burning or exploding; (5) Unlawful imprisonment in the second degree; (6) Unlawful sexual contact

in the third degree; or (7) Criminal contempt of Family Court protective order based on an assault or other physical abuse, threat of assault or other physical abuse or any other actions placing the petitioner in immediate risk or fear of bodily harm.

§ 704A. Fleeing from domestic violence.

For purposes of this title, it shall not be considered evidence of abandonment in any child custody or visitation proceeding if a parent flees from domestic violence and temporarily leaves the child behind, as long as that child is not left in immediate danger of serious physical injury.

§ 705A. Rebuttable presumption against custody or residence of minor child to perpetrator of domestic violence.

(a) Notwithstanding other provisions of this title, there shall be a rebuttable presumption that no perpetrator of domestic violence shall be awarded sole or joint custody of any child. (b) Notwithstanding other provisions of this title, there shall be a rebuttable presumption that no child shall primarily reside with a perpetrator of domestic violence. (c) The above presumptions shall be overcome if there have been no further acts of domestic violence and the perpetrator of domestic violence has: (1) successfully completed a program of evaluation and counselling designed specifically for perpetrators of family violence and conducted by a public or private agency or a certified mental health professional; and (2) successfully completed a program of alcohol or drug abuse counselling if the Court determines that such counselling is appropriate; and (3) demonstrated that giving custodial or residential responsibilities to the perpetrator of domestic violence is in the best interests of the child. The presumption may otherwise be overcome only if a judicial officer finds extraordinary circumstances that warrant the rejection of the presumption, such as evidence demonstrating that there exists no significant risk of future violence against any adult or minor child living in the home or any other family member, including any ex-spouse. (d) In those cases in which both parents are perpetrators of domestic violence, the case shall be referred to the Division of Family Services of the Department of Services for Children, Youth and their Families for investigation and presentation of findings. Upon consideration of such presentation, and all other relevant evidence, including but not limited to, evidence about the history of abuse between the parents and evidence regarding whether 1 parent has been the primary aggressor in the household, the Court shall decide custody and residence pursuant to the best interests of the child.

§ 706A. Evidence of domestic violence.

(a) Any evidence of a past or present act of domestic violence, whether or not committed in the presence of the child, is a relevant factor that must be considered by the Court in determining the legal custody and residential arrangements in accordance with the best interests of the child. (b) If sole or joint custody is awarded to, or if primary residence of a child is placed with, a party notwithstanding evidence that the party has committed acts of domestic violence against the other parent, against the child or against any other person living in the child's household, the Court shall make specific written findings in

support of the decision to award custody or primary residence to that party.

§ 707A. Counselling.

If the Court awards sole or joint custody or primary residence to a parent who has a history of committing acts of domestic violence, that parent shall be ordered to complete a program of evaluation and counselling designed specifically for perpetrators of family violence and conducted by a public or private agency or a certified mental health professional. That parent may also be ordered to attend alcohol or drug abuse treatment and any other counselling that may be appropriate.

§ 708A. Visitation.

Notwithstanding the other provisions of this title, in all cases in which the Court finds by a preponderance of the evidence that 1 of the child's parents has committed an act of domestic violence against the child, against the other parent or against any other person living in the child's household the Court shall determine a schedule, location and conditions for visitation that best protects the child and the victim of domestic violence from further violence.

§ 709A. Modification of orders.

Notwithstanding other provisions of this title: (1) An order concerning visitation may be modified at any time if necessary to protect the safety of the child or the child's parent in light of acts of domestic violence that have occurred since the entry of the most recent visitation order. (2) A custody order may be modified at any time if a parent who has sole or joint custody has committed acts of domestic violence since the entry of the most recent custody order. (3) In determining whether a custody award should be modified, the Court shall not consider noncompliance with an existing custody or visitation order or noncompliance with the duties and responsibilities under § [727](#) of this title if such noncompliance was caused by the parent's attempt at self-protection or protection of the child from acts of domestic violence committed since the entry of the Court's most recent custody or visitation order.

§ 710A. Sexual abuse.

If the Court finds by a preponderance of the evidence that a parent has sexually abused a child, the Court shall prohibit all visitation and contact between the abusive parent and the child until such time as the Court finds, after a hearing, that supervised visitation would not harm, endanger or impair the child's physical, psychological or emotional well-being. In determining whether such visitation may be appropriate, the Court should consider all relevant factors, including: (1) Whether the abusive parent has successfully completed a treatment program of evaluation and counselling that is specifically designed for sexual abusers and is conducted by a public or private agency or a certified mental health professional; (2) Whether the abusive parent has successfully completed a program

of alcohol or drug abuse counselling; (3) Any testimony by a mental health professional who is the therapist for the abused child; (4) Any testimony by a mental health professional who is the therapist for the abusive parent; and (5) Whether supervised visitation is in the child's best interests. Nothing in this section shall preclude the Court from denying visitation under other appropriate circumstances, including denying such visitation under an ex parte or other emergency order.

§ 711A. Ordered mediation prohibited.

Notwithstanding any other provision of law to the contrary, Family Court mediation conferences shall be prohibited in any child custody or visitation proceeding in which 1 of the parties has been found by a court, whether in that proceeding or in some other proceeding, to have committed an act of domestic violence against the other party or if either party has been ordered to stay away or have no contact with the other party, unless a victim of domestic violence who is represented by counsel requests such mediation.

• *Fatal Incident Review Statute*

Title 13, § 2105. Fatal incident reviews.

(a) The Council shall have the power to investigate and review, through a review panel, the facts and circumstances of all deaths that occur in Delaware as a result of domestic violence. This review shall include both homicides and suicides resulting from domestic violence. The review of deaths involving criminal investigations will be delayed for at least 6 months, and will under no circumstances begin until authorized by the Attorney General's office. Any case involving the death of a minor (any child under the age of 18) related to domestic violence will be reviewed jointly by the appropriate regional panel of the Child Death Review Commission and the domestic violence fatal incident review panel. The death of a minor will only be reviewed by the domestic violence fatal incident review panel where the minor's parents or guardians were involved in an abusive relationship and the minor's death is directly related to that abuse. (b) There shall be a Fatal Incident Review Team that will be co-chaired by 2 members of the Coordinating Council to be elected by the Council. In addition to the co-chairs, the Review Team shall consist of 6 other core members: the Attorney General or his or her designee, the Director of the Division of Family Services or his or her designee, the chair of the Domestic Violence Task Force or his or her designee, the Chief Judge of the Family Court or his or her designee, the Chief Magistrate of the Justice of the Peace Courts or his or her designee and a law enforcement officer to be appointed by the Delaware Chiefs of Police Council. All members of the Review Team, plus other individuals invited to participate, shall be considered part of the review panel for a particular case or incident. The Review Team shall invite other law enforcement personnel to serve and participate as full members of a review panel in any case in which a law enforcement agency has investigated the death under review or any prior domestic violence incident involving the decedent. The Review Team may also invite other relevant persons to serve on an ad-hoc basis and participate as full members of the review panel for a particular review. Such persons may include, but are not limited to, individuals with particular expertise that would be helpful to the review panel, representatives from those organizations or

agencies that had contact with or provided services to the individual prior to his or her death, that individual's abusive partner or family member and/or the alleged perpetrator of the death. (c) A review panel shall be convened by the co-chairs of the Review Team on an as-needed basis and may also be convened by any 2 other members of the Review Team. (d) As part of any review, a review panel shall have the power and authority to administer oaths and to compel the attendance of witnesses whose testimony is related to the death under review and the production of records related to the death under review by filing a praecipe for a subpoena, through the office of the Attorney General, with the Prothonotary of any County of this State. Such a subpoena will be effective throughout the State and service of such subpoena will be made by any sheriff. Failure to obey such a subpoena will be punishable according to the Rules of the Superior Court. (e) Each review panel shall prepare a report, to be maintained by the Review Team, including a description of the incident reviewed, and the findings and recommendations of the review panel. (f) Findings and recommendations by the panel shall be adopted only upon a 60 percent vote of participating members of the review panel. (g) The Review Team shall establish rules and procedures to govern each review prior to the first review to be conducted. The Review Team shall issue an annual report to the Domestic Violence Coordinating Council summarizing in an aggregate fashion all findings and recommendations made over the year by each review panel and describing any systemic changes that were effectuated as a result of the panels' work. The report shall not identify the specific case or case review that led to such findings and recommendations. (h) The review process, and any records created therein, shall be exempt from the provisions of the Freedom of Information Act in [Chapter 100](#) of [Title 29](#). The records of any such review, including all original documents and documents produced in the review process with regard to the facts and circumstances of each death, shall be confidential, shall be used by the Coordinating Council only in the exercise of its proper function and shall not be disclosed. The records and proceedings shall not be available through court subpoena and shall not be subject to discovery. No person who participated in the review nor any member of the Domestic Violence Coordinating Council shall be required to make any statement as to what transpired during the review or information collected during the review. Statistical data and recommendations based on the reviews, however, may be released by the Coordinating Council at its discretion. (i) Members of the Domestic Violence Coordinating Council, members of the Review Team and members of each review panel, as well as their agents or employees, shall be immune from claims and shall not be subject to any suits, liability, damages or any other recourse, civil or criminal, arising from any act, proceeding, decision or determination undertaken or performed or recommendation made, provided such persons acted in good faith and without malice in carrying out their responsibilities; good faith is presumed until proven otherwise, with the complainant bearing the burden of proving malice or a lack of good faith. No organization, institution or person furnishing information, data, testimony, reports or records to the review panels or the Coordinating Council as part of such an investigation shall, by reason of furnishing such information, be liable in damages or subject to any other recourse, civil or criminal.

- ***Endangering the Welfare of Children Statute***

Title 11, § 1102. Endangering the welfare of a child; class E or G felony.

(a) A person is guilty of endangering the welfare of a child when: (1) Being a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old the person: a. Knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or b. Intentionally does or fails to do any act, with the result that the child becomes a neglected child; or (2) The person knowingly contributes to the delinquency of any child less than 18 years old by doing or failing to do any act with the result, alone or in conjunction with other acts or circumstances, that the child becomes a delinquent child; or (3) The person knowingly encourages, aids, abets or conspires with the child to run away from the home of the child's parents, guardian or custodian; or the person knowingly and illegally harbors a child who has run away from home; or **(4) The person commits any violent felony, or reckless endangering second degree, assault third degree, terroristic threatening, or unlawful imprisonment second degree against a victim, knowing that such felony or misdemeanor was witnessed by a child less than 18 years of age who is a member of the person's family or the victim's family.** (5) The person commits the offense of Driving Under the Influence as set forth in § [4177](#) of [Title 21](#), or the offense of Operating a Vessel or Boat Under the Influence as set forth in § [2302](#) of [Title 23](#), and during the commission of the offense knowingly permits a child less than 18 years of age to be a passenger in or on such vehicle, vessel or boat. (6) The person commits any offense set forth in [Chapter 47](#) of [Title 16](#) in any dwelling, knowing that any child less than 18 years of age is present in the dwelling at the time. (b) Endangering the welfare of a child shall be punished as follows: (1) When the death of a child occurs while the child's welfare was endangered as defined in subsection (a) of this section, endangering the welfare of a child is a class E felony; (2) When serious physical injury to a child occurs while the child's welfare was endangered as defined in subsection (a) of this section, endangering the welfare of a child is a class G felony; (3) In all other cases, endangering the welfare of a child is a class A misdemeanor. (c) For the purpose of imposing the penalties prescribed in paragraph (b)(1) or (b)(2) of this section, it is not necessary to prove the person's state of mind or liability for causation with regard to the resulting death or serious physical injury of the child, notwithstanding the provisions of §§ [251](#), [252](#), [261](#), [262](#), [263](#) or [264](#) of this title, or any other statutes to the contrary.

• ***Firearms Prohibition Statute***

Title 11, § 1448. Possession and purchase of deadly weapons by persons prohibited; class F felony or class D felony.

(a) Except as otherwise provided herein, the following persons are prohibited from purchasing, owning, possessing or controlling a deadly weapon or ammunition for a firearm within the State: (1) Any person having been convicted in this State or elsewhere of a felony or a crime of violence involving physical injury to another, whether or not armed with or having in possession any weapon during the commission of such felony or crime of violence; (2) Any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in this State that the person is no longer suffering from a mental disorder which interferes or handicaps the person from handling

deadly weapons; (3) Any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug or central nervous system depressant or stimulant as those terms were defined prior to the effective date of the Uniform Controlled Substances Act in June 1973 or of a narcotic drug or controlled substance as defined in [Chapter 47 of Title 16](#); (4) Any person who, as a juvenile, has been adjudicated as delinquent for conduct which, if committed by an adult, would constitute a felony, unless and until that person has reached their 25th birthday; (5) Any juvenile, if said deadly weapon is a handgun, unless said juvenile possesses said handgun for the purpose of engaging in lawful hunting, instruction, sporting or recreational activity while under the direct or indirect supervision of an adult. For the purpose of this subsection, a handgun shall be defined as any pistol, revolver or other firearm designed to be readily capable of being fired when held in 1 hand; **(6) Any person who is subject to a Family Court protection from abuse order (other than an ex parte order), but only for so long as that order remains in effect or is not vacated or otherwise terminated, except that this paragraph shall not apply to a contested order issued solely upon § 1041(1)d., e., or h. of Title 10, or any combination thereof; or (7) Any person who has been convicted in any court of any misdemeanor crime of domestic violence. For purposes of this paragraph, the term "misdemeanor crime of domestic violence" means any misdemeanor offense that:****a. Was committed by a member of the victim's family, as "family" is defined in § 901(9) of Title 10 (regardless, however, of the state of residence of the parties); by a former spouse of the victim; by a person who co-habitated with the victim at the time of the offense; or by a person with a child in common with the victim; and b. Is an offense as defined under § 601, § 602, § 603, § 611, § 614, § 621, § 625, § 628, § 763, § 765, § 766, § 767, § 781, § 785 or § 791 of this title, or any similar offense when committed or prosecuted in another jurisdiction.**

(b) Any prohibited person as set forth in subsection (a) of this section who knowingly possesses, purchases, owns or controls a deadly weapon or ammunition for a firearm while so prohibited shall be guilty of possession of a deadly weapon or ammunition for a firearm by a person prohibited. (c) Possession of a deadly weapon by a person prohibited is a class F felony, unless said deadly weapon is a firearm or ammunition for a firearm, in which case it is a class D felony. As used herein, the word "ammunition" shall mean 1 or more rounds of fixed ammunition designed for use in and capable of being fired from a pistol, revolver, shotgun or rifle but shall not mean inert rounds or expended shells, hulls or casings. (d) Any person who is a prohibited person solely as the result of a conviction for an offense which is not a felony shall not be prohibited from purchasing, owning, possessing or controlling a deadly weapon or ammunition for a firearm if 5 years have elapsed from the date of conviction. (e) Any person who is a prohibited person as described in this section because of a conviction for a felony involving physical injury or violence to another, or because of a conviction for a felony involving conduct as described in subsection (a)(3) of this section, and who knowingly possesses, purchases, owns or controls a firearm or ammunition for a firearm while so prohibited shall receive a minimum sentence of 1 year of Level V. Any sentence imposed pursuant to this subsection shall not be subject to the provisions of §§ [4205\(b\)](#) and [4215](#) of this title. (f) (1) Upon conviction, any person who is a prohibited person as described in subsection (a)(5) of this section and who is 14 years of age or older shall, for a first offense, receive a minimum sentence of 6 months of Level V incarceration, and shall receive a minimum

sentence of 1 year of Level V incarceration for a second and subsequent offense, which shall not be subject to suspension. Any sentence imposed pursuant to this subsection shall not be subject to §§ [4205\(b\)](#) and [4215](#) of this title.(2) The penalties prescribed by this subsection and subsection (g) of this section shall be imposed regardless of whether or not the juvenile is determined to be amenable to the rehabilitative process of the Family Court pursuant to § [1010\(c\)](#) of [Title 10](#) or any successor statute. (g) In addition to the penalties set forth in subsection (f) of this section herein, a person who is a prohibited person as described in subsection (a)(5) of this section and who is 14 years of age or older shall, upon conviction of a first offense, be required to view a film and/or slide presentation depicting the damage and destruction inflicted upon the human body by a projectile fired from a gun, and shall be required to meet with, separately or as part of a group, a victim of a violent crime, or with the family of a deceased victim of a violent crime. The Division of Youth Rehabilitative Service, with the cooperation of the Office of the Chief Medical Examiner and the Violent Crimes Compensation Board, shall be responsible for the implementation of this subsection.

- ***Full Faith and Credit Statute***

Title 10, § 1046. Enforcement; sanctions for violation of order.

(a) The Court may direct that pleadings and orders filed or issued under this part be served upon the respondent by the Sheriff or the Sheriff's deputy or by any person authorized by statute or court rule to serve process. (b) A copy of a protective order granted under this part shall be entered into the Delaware Justice Information System by the Court on or before the next business day. Entry into the Delaware Justice Information System constitutes notice to all law-enforcement agencies of the existence of the order. The order is fully enforceable in any county of the State. **(c) It shall be the duty of any law-enforcement officer to arrest with or without a warrant any person whom the officer has probable cause to believe has violated a protective order issued by the Family Court or a court of any state, territory or Indian nation in the United States, and of which the person arrested has notice or knowledge. Probable cause for arrest may be established by a good faith reliance on information contained in DELJIS or on the existence of a foreign protective order. If an officer acts in good faith upon information contained in DELJIS or on reasonable belief in the existence of a domestic or foreign protective order, the officer shall be immune from suit. The person arrested shall be immediately taken before the Family Court. If the Family Court is not in session, the arrested person shall be taken before the nearest justice of the peace until bail is fixed. If bail is fixed the justice of the peace or judge shall take into consideration in determining the amount of bail whether the defendant has previously violated an existing protective order.**(d) **All protective orders issued under this part shall state that violations may result in: (1) A finding of contempt; (2) Criminal prosecution; and (3) Imprisonment or fine or both.** (e) **It shall be unlawful for a respondent to knowingly violate a protective order. Violations shall be punishable as a class A misdemeanor. Nothing in this subsection shall preclude the filing of a civil contempt petition by the petitioner for violations of a protective order issued under this part.**

- ***Caller Identification Service***

Title 26 § 920. Definitions.

(a) The term "caller identification" means the transmission of information that identifies the originator of a communication to the recipient of the communication via an electronic signal which is decoded by a customer provided display unit which displays, records or forwards the caller's telephone number or other identifying information. Such term shall not include: (1) An internal office system, including but not limited to, a centrex or private branch exchange (PBX) system or virtual private network; (2) An identification system used for emergencies, such as an emergency telephone line used by a public agency or a 911 emergency telephone service; (3) Any identification service provided with legally sanctioned call tracing or tapping procedures; or (4) Any automatic number identification service or technology. (b) The term "automatic number identification service" means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier or any other interconnecting carriers. (c) The term "blocking" means a service that allows the originator of a call to prevent or control the transmission of information that identifies the originator to the recipient of the call.

§ 921. Per line blocking.

Every provider of electronic or wire communication services that provides a caller identification service shall provide blocking on a per line basis without charge at the request of an originator that is a victim of domestic violence protected by a court order, a victim's service program or a battered women's shelter or other organization providing safe haven for victims of domestic violence.

- ***Disturbing the peace***

Title 13 §1509 Preliminary injunction; interim orders pending final hearing.

(a) Upon the filing of a petition for divorce or annulment, a preliminary injunction shall be issued against both parties to the action, enjoining them from: (1) Transferring, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life, and requiring the parties to notify the

other of any proposed extraordinary expenditures and to account to the Court for all extraordinary expenditures after the preliminary injunction becomes effective; (2) Molesting or disturbing the peace of the other party; (3) Removing any natural or adopted child of the parties then residing in Delaware from the jurisdiction of this Court without the prior written consent of the parties or the permission of the Court; (4) Utilizing credit cards or otherwise incurring any debt for which the other party is or may be liable except in connection with the marital litigation or necessities of life for the benefit of the party or the parties' minor children. The preliminary injunction shall be effective against the petitioner upon the filing of the petition for divorce and upon the respondent upon service of a copy of the petition. (b) Petitioner in the petition for divorce or annulment, or by motion filed simultaneously with the petition, or either party by motion filed after the filing of the petition, may move for 1 or more of the following interim orders: (1) For temporary alimony for himself or herself; (2) Restraining a party from transferring, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained, requiring him or her to notify the moving party of any proposed extraordinary expenditures and to account to the Court for all extraordinary expenditures made after the order is issued; (3) Enjoining a party from molesting or disturbing the peace of the other party; (4) Excluding a party from the family home or from the home of the other party even though such party has a legal or equitable interest in the same, upon a showing that physical or emotional harm might otherwise result; (5) Requiring a party to make available to his or her spouse designated personal property and/or fixtures, even though titled in such party's name alone or jointly with someone else, upon such terms and conditions as the Court may impose; (6) Requiring 1 party to pay such sum to the other party as deemed necessary to defray the other party's expenses in conducting the proceedings; (7) For support of a child under [Chapter 5](#) of this title; (8) For custody and/or visitation of a child under [Chapter 7](#) of this title. (c) A motion shall be accompanied by an affidavit setting forth the factual basis for the motion and any amounts of money requested. The Court may issue any of the above orders solely or collectively without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury would result to the moving party if an order were not issued until the time for responding has elapsed. (d) Where appropriate under the facts and law, relief afforded a party under paragraphs (1), (3), (4) and/or (5) of subsection (b) of this section may be continued and/or included in the relief granted under § [1518\(b\)](#) of this title.

- ***Reports of certain wounds, injuries, poisonings or other conditions***

Title 24 §1762 Reports of treatment of certain wounds, injuries, poisonings or other Conditions.

(a) Every physician attending or treating a stab wound, poisoning by other than accidental means, or a case of bullet wounds, gunshot wounds, powder burns or other injury arising

from or caused by the discharge of a gun, pistol or other firearm or whenever such case is treated in a hospital, sanitarium or other institution, the manager, superintendent or other person in charge shall report such case as soon as possible to the appropriate police authorities where such physician, hospital, sanitarium or institution is located. This section shall not apply to such wounds, burns, poisonings or injuries received by a member of the armed forces of the United States or the State while engaged in the actual performance of duty. Whoever fails to make such report shall be fined no less than \$25. (b) Any physician or other person who makes a report pursuant to this section shall be immune from an award of damages, providing such physician or other person acted in good faith without malice.

- ***Unfair methods of competition***

Title 18 § 2304 (24) Unfair methods of competition and unfair or deceptive acts or practices defined.

The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(24) *Discriminatory practices against victims of abuse regarding life and health insurance.* A person or entity engaged in the business of life and/or health insurance in this State may not: a. Deny, refuse to issue, refuse to renew, refuse to reissue, cancel or otherwise terminate an insurance policy or restrict coverage on any individual because that individual is, has been or may be the subject of abuse or seeks, has sought or should have sought, medical or psychological treatment for abuse, protection from abuse or shelter from abuse; b. Add any surcharge or rating factor to a premium of an insurance policy because of an individual's history of, status as, or potential to be subject to abuse; c. Exclude or limit coverage for losses or deny a claim incurred by an insured as a result of abuse or the potential for abuse; or d. Ask an insured or an applicant for insurance whether that individual is, has been or may be the subject of abuse, or seeks, has sought or should have sought medical or psychological treatment specifically for abuse, protection from abuse or shelter from abuse.